



**Convention on the Rights  
of Persons with Disabilities**

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**Committee on the Rights of Persons with Disabilities**

**Consideration of reports submitted by States  
parties under article 35 of the Convention**

**Initial reports of States parties due in 2010**

**Slovenia\***

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## List of frequently used acronyms

CIP	Judicial Training Centre
EU	European Union
FIHO	Foundation for the Financing of Disability and Humanitarian Organisations in the Republic of Slovenia
IRSSV	Social Protection Institute of the Republic of Slovenia
NIPH	The Institute of Public Health of the Republic of Slovenia
MDDSZ	Ministry of Labour, Family and Social Affairs
MJU	Ministry of Public Administration
MK	Ministry of Culture
MŠŠ	Ministry of Education and Sport
MVZT	Ministry of Science and Technology
MZ	Ministry of Health
MZP	Ministry of Transport
NSIOS	National Council of Disabled People's Organisations of Slovenia
RS	Republic of Slovenia
SOUS	Association of Slovenian Training Organisations for Persons with Special Needs
SUNEO	Council of the Slovenian Government for the Implementation of the Principle of Equal Treatment
UIRS	Urban Planning Institute of the Republic of Slovenia
ZPIZ	Pension and Disability Insurance Institute of the Republic of Slovenia
URI – SOČA	University Rehabilitation Institute of the Republic of Slovenia – Soča
ZŠIS-POK	Sports Federation for the Disabled of Slovenia – Paralympic Committee
ZZZS	Health Insurance Institute of Slovenia

### Names of ministries as currently used

MDDSZ	Ministry of Labour, Family, Social Affairs and Equal Opportunities
MNZ	Ministry of the Interior
MIZŠ	Ministry of Education, Science and Sport
MZIP	Ministry of Infrastructure and Spatial Planning

### List of frequently used acronyms of acts and documents

API	Action Programme for Persons with Disabilities 2007-2013
APZ	Active Employment Policy
KZ-1	Criminal Code
NPSta	National Housing Programme

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SZ-1	Housing Act
Constitution	Constitution of the Republic of Slovenia
ZDR-1	Employment Relationships Act
ZDVDTF	Act Concerning Social Care of Mentally and Physically Handicapped Persons
ZDZdr	Mental Health Act
ZGim	Gymnasiums Act
ZGO-1	Construction Act
ZIMI	Equalisation of Opportunities for Persons with Disabilities Act
ZNP	Non-Litigious Civil Procedure Act
ZOsn	Elementary School Act
ZPIZ-1	Pension and Disability Insurance Act
ZPND	Family Violence Prevention Act
ZPSI-1	Vocational Education Act
ZSV	Social Assistance Act
ZSVarPre	Financial Social Assistance Act
ZUNEO	Implementation of the Principle of Equal Treatment Act
ZUreP-1	Spatial Management Act
ZUSZJ	Slovenian Sign Language Act
ZVrt	Pre-School Institutions Act
ZZRZI	Vocational Rehabilitation and Employment of Disabled Persons Act
ZZVZZ	Health Care and Health Insurance Act

The numbers and years of *Uradni list Republike Slovenije* [Official Gazette of the Republic of Slovenia] where individual acts and documents were published are provided in footnotes, but only on the first citation of an act or a document in the text.

Terms used in this document written in the masculine form shall apply equally to both men and women.

## **Introduction**

1. Subject to the provision of Paragraph 1 of Article 35 of the Convention on the Rights of Persons with Disabilities, to which the Republic of Slovenia is a State Party, the Republic of Slovenia hereby submits its comprehensive report describing the extent of the harmonisation of the legislation and practices in the Republic of Slovenia with the Convention. The report on the measures taken by the State Party to give effect to its obligations under the present Convention has been drafted on the basis of the “guidelines for the document that refers to the Contract and that parties submit on the basis of Paragraph 1 of Article 35 of the Convention on the Rights of Persons with Disabilities”. The latter states that each State Party shall submit to the Committee on the Rights of Persons with Disabilities a comprehensive report on measures taken to give effect to its obligations under the present Convention and on the progress made in that regard, this within two years of the entry into force of the present Convention for the State Party concerned. The comprehensive report of Slovenia therefore refers to the situation in 2010.

2. The report contains information regarding the legal and actual implementation of Articles 1 to 33 of the Convention. It is divided into four segments: I. General provisions of the Convention (Articles 1-4), II. Special rights (Articles 5 and 8-30.), III. Special situation of boys, girls and women with disabilities (Articles 6 and 7), and IV. Special obligations (Articles 31-33). The report has been drafted by the Ministry of Labour, Family, Social Affairs and Equal Opportunities and by the Social Protection Institute of the Republic of Slovenia, which drew the information from official documents and data provided by ministries and other national organisations.

3. Slovenia fulfils the general conditions to ensure the rights of persons of disabilities, such as the rule of law, democratic pluralism and parliamentary democracy. Slovenia, like many other countries, has introduced new disability policy laws and established, among others, the institute of the Human Rights Ombudsman for the protection of the rights of persons with disabilities. The implementation of the Convention on the Rights of Persons with Disabilities has also brought problems that are difficult to overcome; these we attempt to resolve promptly despite the general crisis.

### **I. General provisions of the Convention**

4. More than 15 per cent of the population of Europe are persons with disabilities; in Slovenia, estimates of the share of persons with disabilities put the figure at between 12 per cent and 13 per cent of the population, which does not differ considerably from the EU estimate. Of these, 8 per cent of persons with disabilities have been issued with disability decisions under various Acts, while the remaining 5 per cent (according to estimates of disabled people’s organisations and/or their membership) are persons with a serious physical impairment. The information about persons with disabilities in Slovenia is not collected systematically, as a register of persons with disabilities has not been established.

#### **Article 1 – Purpose**

5. As persons with disabilities form a very diverse group, the definition of disability and persons with disabilities is very complicated. The legal system of Slovenia mostly uses

the term disabled person or persons.<sup>1</sup> The Equalisation of Opportunities for Persons with Disabilities Act (ZIMI)<sup>2</sup> generally defines persons with disabilities as persons who have long-term physical, mental or sensory impairments that in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others. Nevertheless, the definitions of the notions of disabled person and disability differ from act to act. Five acts and the definitions therein distinguish among the following groups of disabled persons: the war disabled (the War Disabled Act (ZvojI)<sup>3</sup>),

- Disabled workers (Pension and Disability Insurance Act (ZPIZ1<sup>4</sup>)<sup>5</sup>);
- The disabled under the Vocational Rehabilitation and Employment of Disabled Persons Act (ZZRZI);<sup>6</sup>
- The disabled under the Act Concerning Social Care of Mentally and Physically Handicapped Persons (ZDVDTP);<sup>7</sup>
- and children with special needs (Placement of Children with Special Needs Act (ZOUPP)<sup>8</sup>).

6. The listed types of disability (and groups of persons with disabilities) defined in different acts are well summarised in the Instructions for Completing Insurance Applications for the Disabled in the Republic of Slovenia, which defines a person with disability as one who has been granted the status of a disabled person. This is a person who:<sup>9</sup>

1. Has obtained the status of a disabled person according to Article 10 of the ZZRZI;
2. Has been recognised as having the characteristics of a disabled person according to Article 6 of the Act Regulating the Training and Employment of Disabled Persons (ZUZIO);<sup>10</sup>
3. Has obtained the status of a disabled worker of Category II or III according to Article 34 of the former Pension and Disability Insurance Act of 1992 or according to the regulations in force before the entry into force of this Act;

<sup>1</sup> Kresal, B. (ed.). (2007). *Vodnik po pravicah invalidov v slovenski zakonodaji (Guide to the Rights of Disabled Persons in Slovenian Legislation)*. Ljubljana, Inštitut za delo pri pravni fakulteti (Labour Institute of the Faculty of Law).

<sup>2</sup> *Uradni list RS*, No. 94/10.

<sup>3</sup> *Uradni list RS*, Nos. 63/95, 2/97 – Constitutional Court Decision, 19/97, 21/97 – as amended, 75/97, 11/06 – Constitutional Court Decision, 61/06 – ZDru-1, 114/06 – ZUTPG, 40/12 – ZUJF, and 19/14.

<sup>4</sup> On 4 December 2012, the National Assembly of the Republic of Slovenia adopted the Pension and Disability Insurance Act (ZPIZ-2) that entered into force on 1 January 2013 following publication in *Uradni list RS*.

<sup>5</sup> *Uradni list RS*, Nos. 109/06 – official consolidated text, 114/06 – ZUTPG, 10/08 – ZVarDod, 98/09 – ZIUZGK, 38/10 – ZUKN, 61/10 – ZSVarPre, 79/10 – ZPKDPIZ, 94/10 – ZIU, 105/11 – Constitutional Court Decision, 110/11 – ZDIU12, 40/12 – ZUJF, and 96/12 – ZPIZ-2 (Pension and Disability Insurance Act, *Uradni list RS*, Nos. 96/12, 39/13, 99/13 – ZSVarPre-C, and 101/13 – ZIPRS1415).

<sup>6</sup> *Uradni list RS*, Nos. 16/07 – official consolidated text, 87/11, and 96/12 – ZPIZ-2.

<sup>7</sup> *Uradni list SRS*, Nos. 41/83, 114/06 – ZUTPG, 61/10 – ZSVarPre, and 40/11 – ZSVarPre-A.

<sup>8</sup> *Uradni list RS*, Nos. 3/07 – official consolidated text, 52/10 – Constitutional Court Decision, and 58/11 – ZUOPP-1.

<sup>9</sup> Kresal, B. (ed.). (2007). *Vodnik po pravicah invalidov v slovenski zakonodaji (Guide to the Rights of Disabled Persons in Slovenian Legislation)*. Ljubljana, Inštitut za delo pri pravni fakulteti (Labour Institute of the Faculty of Law).

<sup>10</sup> *Uradni list SRS*, Nos. 18/76, 8/90, and 63/04 – ZZRZI.

4. Has obtained the status of a disabled worker of Category II or III according to Article 60 of the valid Pension and Disability Insurance Act (ZPIZ-1);

5. Has been certified as having a physical impairment according to Paragraphs 1 and 3 of Article 143 of the Pension and Disability Insurance Act or according to the regulations in force before the entry into force of the latest amendment to this Act (only certain categories are listed in Article 4 of these instructions – at least 90 per cent physical impairment due to the loss of sight; at least 70 per cent physical impairment due to the loss of hearing; at least 80 per cent physical impairment, with the lowest percentage of individual physical impairments that are accumulated being at least 70 per cent);<sup>11</sup>

6. Has obtained the status of a war-disabled person according to Article 2, of a peacetime war-disabled person according to Article 3, or of a civil war-disabled person according to Article 4 of the War Disabled Act;

7. Has obtained rights under the ZDVDTP;

8. Has been categorised on the basis of the findings and opinion of a professional committee for the categorisation of children and adolescents with disorders in mental and physical development (only certain categories are provided in Article 5 of these instructions);

9. Has been placed in an education and schooling programme according to Article 21 of the ZUOPP-1 (only certain categories are provided in Article 6); and

10. Has obtained the status of a disabled person according to the provisions of other EU member states.

7. The Slovenian legal order thus does not have a general definition of disability or person with disabilities. Besides the definition in the ZIMI, the closest to a general definition is that from the Disabled Persons Organizations Act (ZInvO).<sup>12</sup> Under this Act, a disabled person shall be “an individual whose congenital or acquired disorder and handicaps conditioned or created by the physical and social environment prevent him or her from independently fulfilling, either fully or partially, his or her needs in personal, family and social life in his or her living environment, in accordance with the international classification in this context”.

## **Article 2 – Definitions**

### **Communication**

8. One of the basic principles defined in the Equalisation of Opportunities for Persons with Disabilities Act (ZIMI) is that the provision of equal opportunities shall mean planned activities enabling accessibility to different spheres of society and the environment, such as public services, the built environment, goods and services intended for the public, information and communication, to everyone, particularly to persons with disabilities (Paragraph 4 of Article 3 of the ZIMI). The Act also defines the right to equal participation

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<sup>11</sup> According to Article 403 of the ZPIZ-2, up until the entry into force of the regulations governing the care of the disabled that will regulate the procedures for the establishment of the type and level of physical impairments, insured persons, based on the Self-Governing Agreement on the List of Physical Impairments (*Uradni list SFRJ* [Official Gazette of the Socialist Federative Republic of Yugoslavia], Nos. 38/83 and 66/89), may acquire the right to a disability allowance in accordance with the provisions of Articles 143–145, 147 and 149 of the ZPIZ-1, but only for an injury at work or an occupational disease.

<sup>12</sup> *Uradni list RS*, Nos. 108/02 and 61/06 – ZDru-1.

in procedures before public authorities (this right is detailed in the description of the implementation of Article 13 of the Convention).

9. Numerous measures aimed at ensuring accessibility of communications to disabled persons are contained in the Accessible Slovenia Strategy<sup>13</sup> and in the Action Programme for Persons with Disabilities 2007-2013.<sup>14</sup>

10. The Slovenian Sign Language Act (ZUSZJ),<sup>15</sup> which entered into force in 2002, grants deaf persons the possibility to use Slovenian sign language as a language of mutual communication and as a natural means of communication and the right to be informed in adapted techniques. The Act stipulates the right of deaf persons to use sign language and to have access to information using techniques adapted to their needs and the scope and manner of exercising the right to a sign language interpreter with respect to the equal inclusion of deaf people in the living and work environment and in all forms of social life, with the same rights, conditions and opportunities as persons with no hearing deficit (Article 1 of the ZUSZJ). *Discrimination on the basis of disability* is defined by the general provisions of the ZIMI. Paragraph 2 of Article 3 of the ZIMI defines discrimination on the basis of disability as either indirect or direct, further as any distinction, exclusion or restriction on the basis of disability that has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all rights and obligations in all vital areas of life. Direct discrimination on the basis of disability shall be deemed to exist where, due to his disability, a person with disabilities has been, is or could be treated less favourably than another person in an identical or similar situation. Indirect discrimination on the basis of disability shall be deemed to exist where, due to an apparently neutral regulation, criterion or practice, a person with disabilities has been, is or could be placed in a less favourable position than another person in an identical or similar situation and condition, unless such a regulation, criterion or practice is justified by a legitimate objective and the means for achieving that objective are appropriate and necessary.

11. *Reasonable accommodation* shall mean necessary legal, administrative and other measures not imposing a disproportionate burden, as required in a particular case, to ensure to persons with disabilities the enjoyment or the exercising on an equal basis with others of all rights and freedoms (Paragraph 4 of Article 3 of the ZIMI).

12. *Universal design* means the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialised design.

13. The accessibility of goods and services provided to the public is granted to disabled persons by Article 8 of the ZIMI. Thus the measures to eliminate obstacles to access to goods and services provided to the public shall, in particular, refer to:

- The accessibility of information, communication and other services and assistance in cases of emergency;
- The removal of architectural barriers in facilities where goods and services provided to the public are offered;

<sup>13</sup> Available at: [http://www.mddsz.gov.si/fileadmin/mddsz.gov.si/pageuploads/dokumenti\\_\\_pdf/dostopna\\_slovenija.pdf](http://www.mddsz.gov.si/fileadmin/mddsz.gov.si/pageuploads/dokumenti__pdf/dostopna_slovenija.pdf) (2 March 2012).

<sup>14</sup> Available at: [http://www.mddsz.gov.si/si/zakonodaja\\_in\\_dokumenti/pomembni\\_dokumenti/](http://www.mddsz.gov.si/si/zakonodaja_in_dokumenti/pomembni_dokumenti/) (2 March 2012).

<sup>15</sup> *Uradni list RS*, No. 96/02.

- The assurance that public and private entities offering goods and services provided to the public take into account all aspects of their accessibility for persons with disabilities;
- The provision of help, if appropriate, in offering goods and services provided to the public, in particular by another person (e.g. a reader or a Slovene sign language interpreter), and signage in Braille and in forms that are easy to read and understand (Paragraph 3 of Article 8 of the ZIMI).

14. Regarding construction in Slovenia, Article 17 of the Construction Act (ZGO-1),<sup>16</sup> for example, stipulates that all works in public use that are newly constructed and works in public use that are reconstructed must ensure that functionally impaired persons are able to access, enter and use the works without physical obstructions or communicational hindrances. Article 2 of the Act defines works in public use as works whose use is intended for all under the same conditions; such works are divided in terms of manner of use into public areas and non-residential buildings intended for public use. A public area is an area whose use is intended for all under the same conditions, such as a public highway, a street, a square, a marketplace, a playground, a car park, a cemetery, a park, a green or a recreation area. A non-residential building intended for public use is a building whose use is intended for all under the same conditions, such as a hotel, a motel, an inn or a similar building for accommodation, a bank, a post office, an office or a similar commercial building, a building for trade and services, a railway or bus station building, an airport building or a port terminal building, a cable car station, a garage building or a similar building for transport and communications, a building for entertainment or recreation, a museum, a library, a school building or any other building for education, a hospital building or institutional care building, a sports hall, or a building for worship and other religious activities. Public infrastructure works are civil engineering works that form a network serving a specific type of public utility of national or local importance or forms a network of general benefit to the public.

### **Article 3 – General principles**

15. The fundamental rights for the equalisation of opportunities are derived from the Constitution of the Republic of Slovenia (the Constitution),<sup>17</sup> whose Article 14 stipulates that in the Republic of Slovenia “everyone shall be guaranteed equal human rights and fundamental freedoms irrespective of national origin, race, sex, language, religion, political or other conviction, material standing, birth, education, social status, disability or any other personal circumstance”. Disability has been listed among personal circumstances since 2004. The Constitution expressly stresses the right of disabled persons to equality before the law and underlines that no one should be discriminated against for reasons of disability.

16. In order to implement the primary objective of the Convention on the Rights of Persons with Disabilities:<sup>18</sup> “to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity” (Article 1 of the Convention), the ZIMI was adopted in 2010. Together with the Implementation of the Principle of Equal Treatment Act and other

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<sup>16</sup> *Uradni list RS*, Nos. 102/04 – official consolidated text, 14/05 – as amended, 92/05 – ZJC-B, 93/05 – ZVMS, 111/05 – Constitutional Court Decision, 126/07, 108/09, 61/10 – ZRud-1, 20/11 – Constitutional Court Decision, 57/12, 101/13 – ZDavNepr, and 110/13.

<sup>17</sup> *Uradni list RS*, Nos. 33I/91, 42/97, 66/00, 24/03, 69/04, 69/04, 69/04, 68/06, and 47/13.

<sup>18</sup> Uršič, C. & Batič, D. (eds.). (2008). *The Convention on the Rights of Persons with Disabilities*. Ljubljana: MDDSZ.

regulations in the area of the elimination of discrimination, this act provides a legal framework for comprehensively addressing all key issues related to discrimination and equalisation of opportunities for persons with disabilities. Thus the ZIMI governs the following:

- Prohibition of discrimination on the basis of disability;
- Measures for equalising opportunities for persons with disabilities and competencies and responsibilities of bodies concerned;
- Proceedings in disputes on discrimination on the basis of disability; and
- Managing databases and protection of data.

#### Article 4 – General obligations

17. Slovenia is a state governed by the rule of law and a social state with a modern disability protection policy in place which is comparable to similar policies in developed European countries. This is further confirmed by the activities and actions undertaken by the Government of the Republic of Slovenia (the Government) and the National Assembly of the Republic of Slovenia (the National Assembly) in recent years. The fundamental legislative acts prohibiting discrimination, including disability-based discrimination, have been adopted and amended – for example the Implementation of the Principle of Equal Treatment Act (ZUNEO)<sup>19</sup> and the Employment Relationship Act (ZDR).<sup>20</sup> The regulations from the field of social policy that have been amended include the Vocational Rehabilitation and Employment of Disabled Persons Act (ZZRZI), the Social Protection Act (ZSV),<sup>21</sup> the Family Violence Prevention Act (ZPND)<sup>22</sup> and the Health Care and Health Insurance Act (ZZVZZ).<sup>23</sup> In addition, the Government has adopted several programmes and resolutions based on respect for human rights and ensuring equal opportunities for persons with disabilities, such as the Action Programme for Persons with Disabilities 2007-2013 and the Resolution on the National Social Assistance Programme 2006-2010.<sup>24</sup> An important fact in this context is that the line ministry and the parent committee in the National Assembly discussed all these documents with persons with disabilities, their representative organisations and the National Council of Disability Organisations (NSIOS).<sup>25</sup>

18. The NSIOS voluntarily unites representative and other disability organisations active at the national level. It was established in accordance with the provisions of Articles 25 and 26 of the ZInVO and unites 20 national disability organisations, 17 of which have the status of representative organisation for certain groups of persons with disabilities. The disability organisations united in NSIOS represent the interests of about 98.5 per cent of all organised persons with disabilities in Slovenia and are active in over 200 local associations across the

<sup>19</sup> *Uradni list RS*, No. 93/07.

<sup>20</sup> *Uradni list RS*, Nos. 42/02, 79/06 – ZZPB-F, 103/07, 45/08 – ZArbit, and 21/13 – ZDR-1.

<sup>21</sup> *Uradni list RS*, Nos. 3/07 – official consolidated text, 23/07 – as amended, 41/07 – as amended, 61/10 – ZSVarPre, 62/10 – ZUPJS, and 57/12.

<sup>22</sup> *Uradni list RS*, No. 16/08.

<sup>23</sup> *Uradni list RS*, Nos. 72/06 – official consolidated text, 114/06 – ZUTPG, 91/07, 76/08, 62/10 – ZUPJS, 87/11, 40/12 – ZUJF, 21/13 – ZUTD-A, 91/13, 99/13 – ZUPJS-C, 99/13 – ZSVarPre-C, and 111/13 – ZMEPIZ-1.

<sup>24</sup> *Uradni list RS*, No. 39/06.

<sup>25</sup> Uršič, C. (2008). *Predgovor h Konvenciji o pravicah invalidov* (Foreword to the Convention on the Rights of Persons with Disabilities). In Uršič, C. & Batič, D. (eds.). *The Convention on the Rights of Persons with Disabilities*. Ljubljana: MDDSZ.

country. The NSIOS proposes joint representatives of persons with disability in bodies of national and other public institutions and bodies of international organisations and associations, carries out other agreed activities, proposes amendments to rules, acts and other legislation that significantly affect the lives of persons with disabilities, and takes part in drafting new legislation in this area.<sup>26</sup>

## II. Special rights

### Article 5 – Equality and non-discrimination

19. The fundamental rights for the equalisation of opportunities are derived from the Constitution. The areas of equal opportunities and non-discrimination of persons with disabilities are governed by the Principle of Equal Treatment Act (ZUNEO) and the Equalisation of Opportunities for Persons with Disabilities Act (ZIMI). The chapter on the prohibition of discrimination on the basis of disability in the latter Act governs the following:

- Prohibition of discrimination by state authorities, state and local self-government bodies, bearers of public authority and public service providers;
- Equal participation in proceedings;
- Access to services and use and adaptation of buildings and facilities in public use;
- Prohibition of writing and displaying discriminating messages and symbols;
- Access to inclusive education, health, manner of residence, information, culture and public transportation.

20. Slovenia has thus committed itself to respecting the prohibition of discrimination on the grounds of disability in all areas of human life, which is evident from its acts and regulations in the field of employment (the Employment Relationships Act (ZDR-1), the Vocational Rehabilitation and Employment of Persons with Disabilities Act (ZZRZI) and the Pension and Disability Insurance Act (ZPIZ-1)), healthcare (the Health Care and Health Insurance Act (ZZVZZ)), education (the Kindergarten Act (ZVrt),<sup>27</sup> the Elementary School Act (ZOsn),<sup>28</sup> the Vocational Education Act (ZPSI-1),<sup>29</sup> and the Gymnasiums Act (ZGim)<sup>30</sup>), and social protection (the Social Assistance Act (ZSV)).

21. The body responsible for equality and non-discrimination is the Office for Equal Opportunities, whose areas of work involve various areas of human living such as work and employment, education, schooling, science, sport, culture, media and advertising, health, social inclusion, family life and partnership, violence, trafficking in human beings and sexual exploitation, political decision-making, public administration and justice, and the socioeconomic area. The Office has an Advocate of the Principle of Equality, who

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<sup>26</sup> Available at: <http://www.nsios.si/vizitka/> (26 March 2012).

<sup>27</sup> *Uradni list RS*, Nos. 100/05 – official consolidated text, 25/08, 98/09 – ZIUZGK, 36/10, 62/10 – ZUPJS, 94/10 – ZIU, and 40/12 – ZUJF.

<sup>28</sup> *Uradni list RS*, Nos. 81/06 – official consolidated text, 102/07, 107/10, 87/11, 40/12 – ZUJF, and 63/13.

<sup>29</sup> *Uradni list RS*, No. 79/06.

<sup>30</sup> *Uradni list RS*, No. 1/07 – official consolidated text.

addresses cases of alleged discrimination and issues opinions on the existence or non-existence of discrimination.<sup>31</sup>

22. Another body that deals with the protection of human rights, which include non-discrimination, is the Human Rights Ombudsman. There are also various organisations that advocate the non-discrimination of specific sectors of the population.

23. From the perspective of the implementation of Article 5, the ZInvO, which governs the status, areas of action, financing and property of disability organisations (Article 1) should also be stressed. The key objectives of disability organisations' activities are the promotion of the human rights of persons with disabilities, non-discrimination of persons with disabilities, promotion of integration into society and participation in everyday life (Article 10). Also important are the provisions of Articles 19 and 26 that list the tasks of representative disability organisations and the National Council of Disability Organisations; these include representing disabled persons and their interests in dialogue with authorities at the national and international levels and proposing, in accordance with regulations, representatives of disabled persons for working bodies in national and other authorities.

### **Article 8 – Awareness-raising**

24. Awareness-raising is one of significant objectives of the Action Programme for Persons with Disabilities 2007-2013. The activities carried out in the context of this Article of the Convention may be categorised as programmes, events, round table discussions, exhibitions and festivals, workshops and seminars, materials and publications, media, and other events.

25. In the framework of programmes, an important contribution to the implementation of this Article of the Convention was made by disability organisations implementing special social programmes that were largely funded by the Foundation for Funding Disability and Humanitarian Organisations of Slovenia (FIHO). An example of good practice that can be pointed out is the activities of the National Council of Disabled People's Organisations of Slovenia (NSIOS) and the Association of the Disabled – Slovenia Forum, with their weekly shows broadcast by local radio stations across Slovenia. In addition, the Ministry of Health (MZ) co-financed, through public tender, regular activities of associations, institutions and private institutes and development programmes of non-profit organisations in the field of promotion and protection of health. Awareness-raising is also a part of the activities of the Slovenian University Rehabilitation Institute – Soča (URI – Soča). URI – Soča oversees the awareness-raising of employers in the context of the implementation of training and employment programmes and the provision of supported employment services and in the context of complex rehabilitation treatment of employed persons with disabilities. In 2009, the Association of Slovenian Training Organisations for Persons with Special Needs (SOUS) implemented a project selected in the public tender issued by the Ministry of Education and Sport (MŠŠ) in the framework of the topic of the co-financing of professional training for experts in education in 2008, 2009, 2010 and 2011. The co-financing was provided by the structural funds, especially the European Social Fund. In 2009, the total number of participants in training was 2,440; these included professional workers working with persons with special needs, teachers, childcare

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<sup>31</sup> Under the Act Amending the Public Administration Act (ZDU-1F), the Office of Equal Opportunities was abolished in 2012. The field of equal opportunities was taken over by the MDDSZ.

workers, education counsellors, and managerial staff at regular elementary and secondary schools and kindergartens.<sup>32</sup>

26. The conference entitled “The Convention on the Rights of Persons with Disabilities – From Words to Reality?” took place in the framework of the Slovenian EU Council Presidency. The conference was organised by the then Ministry of Labour, Family and Social Affairs (MDDSZ) in cooperation with the European Commission. The conference was attended by over 350 participants – persons with disabilities, professionals from various EU Member States, representatives of the European Commission and Parliament, high representatives of ministries in the field of protection of persons with disabilities, non-governmental organisations, and other representatives of civil society. An informal meeting of ministers responsible for areas relating to persons with disabilities took place on the fringe of the conference. Within its Council of Europe Chairmanship, Slovenia also organised a conference on ageing and/or disability in 2009, thus contributing to better information and awareness of society of the problems faced by persons with disabilities and the elderly. The conference was attended by over a hundred professionals, decision-makers in the field of disability from the States of the Council of Europe, the Parliamentary Assembly of the Council of Europe, the European Commission and international and national disability organisations, organisations of and for the elderly, academic council, and other stakeholders.

27. Several round table discussions have been organised (e.g. the round table on the 200th anniversary of the birth of Louis Braille and the URI – Soča round table focused on the development of the system of professional and occupational rehabilitation, accompanied by a thematic publication) along with exhibitions and festivals, for example the festival “Igraj se z menoj” (“Play with Me”) organised by the Janez Levec Special Education Centre, which received the Hanndinov (handicap innovation) award awarded by the European Union for innovation achievements, and the exhibition “Light and Darkness [Tema in svetloba]: Cultural and technical heritage of the blind and partially sighted” organised by the Ministry of Culture (MK) etc.; seminars and workshops (e.g. a training seminar on the basic premises of the book *Accessible Museum – Good Practice Guidelines [Dostopen muzej – Smernice za dobro prakso]*, organised by the MK; several URI – Soča seminars and workshops with the aim of educating and raising experts’ awareness of the international classification of functioning and the manner of possibilities of its use; and workshops, lectures and seminars which acquainted the expert and broader public with technical innovations in the field of comprehensive rehabilitation.<sup>33</sup>

28. Awareness-raising was further effected by numerous materials and publications, for example the Convention on the Rights of Persons with Disabilities being adapted to all types of disabilities (in Braille, easily readable and understandable form, sound recording and sign language), the *Guidebook on the Rights of Persons with Disabilities*, which presents the rights of persons with disabilities provided by Slovenian legislation in a concise and simple manner, the Guidelines for Comprehensive Treatment of Persons with Autism Spectrum Disorder, the collection of the fourth Congress of Occupational Therapists of Slovenia entitled *Treatment Planning in Occupational Therapy*, the booklet of the Ozara Institute entitled *Where and How to Find Help*, and the brochure of the Association of the Deaf and Hard of Hearing entitled *I Have the Right to Hear and Understand*, aimed at users of hearing aids and the doctors and expert public that are in

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<sup>32</sup> Marčič, R., Smolej, S., Dremelj, P. and Kobal Tomc, B. (2011). *Vmesna evalvacija Akcijskega programa za invalide 2007–2013 (Interim Evaluation of the Action Programme for Persons with Disabilities 2007–2013): končno poročilo (Final Report)*. Ljubljana: Social Protection Institute of the RS.

<sup>33</sup> *Ibid.*

touch with the deaf and hard of hearing, while URI – Soča drafted the following professional materials (publications): “Encouraging Training and Employment for Persons with Disabilities, Basic International and National Regulations and Programmes, Handbook for Managing Projects in the Field of the Employment of Persons with Disabilities and Other Functionally Impaired Persons, What Each Employer Needs to Know about Employing Persons with Disabilities and From Tax Reliefs for Employers to Guidelines of the European Union Legislation”.<sup>34</sup>

29. Another example of good practice is the project “Municipality Tailored to the Needs of People with Disabilities”, implemented by the Federation of Disabled Workers of Slovenia. The project was launched in 2003. By the end of 2010, the project had been carried out by 12 municipalities, including the two biggest urban municipalities (those of Ljubljana and Maribor). An award certificate can be granted to a municipality “whose operations take into account the diversity of needs of all its inhabitants and which deliberately develops, promotes and implements activities and measures that essentially contribute to a greater quality of personal life for all persons with disabilities and their families and creates possibilities for their social inclusion and for active participation in the social life of the municipality with the intention to exercise human rights and the rights of citizens” (Article 2 of the Rules on Obtaining the “Municipality Tailored to the Needs of People with Disabilities” Certificate).<sup>35</sup>

## Article 9 – Accessibility

30. The right to accessible built environments and information and communication in the Republic of Slovenia is based on the Constitution, which stipulates that everyone has the right to freedom of movement. In addition, the Constitution provides for the implementation of the principle of ensuring equal opportunities and the principle of equal treatment in terms of freedom of movement, the choice of place of residence, suitable dwellings, freedom of association, free choice of employment (everyone shall have access to any position of employment under equal conditions), the right to social security, including the right to a pension, and a healthy living environment (Articles 32, 42, 49, 50, 72 and 79).

31. The field of accessibility is detailed by the National Guidelines to Improve the Built Environment, Information and Communications Accessibility for Persons with Disabilities, also known as the Accessible Slovenia Strategy. This Strategy is based on the principle that access to the services of the public and private sectors and to the physical environment is one of the rights of the disabled and all other functionally challenged people. The objective of the Strategy is to eliminate physical obstructions or communicational hindrances, to provide accessibility to work, knowledge and information, to create equal opportunities for persons with disabilities and all functionally impaired persons, and to provide technical support to those who need it for successful integration in life and work. The Strategy has seven basic objectives and details 40 measures with legal bases in several acts. The principal objective of the Strategy is to create an environment that provides favourable conditions for the life and work of all people and equal conditions for life and participation in social processes to all groups of the population in education, culture, recreation, information and decision-making.

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<sup>34</sup> *Ibid.*

<sup>35</sup> Available at: <http://www.zdis.si/projekt-obcina-po-meri-invalidov/pravilnik-o-pridobitvi-listine-obcina-po-meri-invalidov> (15 October 2012).

32. Objectives 1 and 4 of the Strategy are of key importance in terms of overcoming the obstructions of the built environment. The first objective refers to the elimination of physical obstructions and communicational hindrances in public use and public areas: all multi-apartment buildings shall be built so that they can be adapted to persons with physical or sensory impairments with minimum building interventions and there shall be accessibility to education and jobs. The fourth objective refers to the accessibility of public transport, both urban and inter-urban: adapting taxis for the transport of persons with physical impairments and provision of transport for guide dogs in public passenger transport. The latter sub-objective has been implemented, as regular bus services' terms and conditions of carriage provide for guide dogs to travel by buses as specified by the Decree on the Method of Providing the Public Utility Service of Regular Scheduled Public Bus Services and on a Concession for this Public Utility Service.<sup>36</sup> Free-of-charge transport of a guide dog is also provided for in rail transport (national and international).

33. Another example of good practice is in the Municipality of Ljubljana, which issued a licence for performing transport in pedestrian areas to a taxi vehicle adapted for the transport of persons with disabilities.

34. The next document of key importance in the area of accessibility is the Action Programme for Persons with Disabilities 2007-2013 (API). The purpose of the API is to promote, protect and ensure full and equal exercise of human rights by persons with disabilities and to foster respect for their inherent dignity. Accessibility is one of the general principles and obligations of the programme, defined as the basic condition for the implementation of rights and social inclusion. The Programme comprises 13 key objectives which comprehensively regulate all areas of disabled persons' lives. The third objective directly addresses the area of accessibility, while others refer to accessibility more or less indirectly.

35. Accessibility is, directly or indirectly, also one of the objectives of housing policy, based on the implementation of the National Housing Programme (NPSta).<sup>37</sup> It attempts to ensure accessibility through harmonised efforts of the state, local communities and other factors with consideration given to constitutional, legal and international principles in the field of accessibility.

36. The Construction Act (ZGO-1) regulates the conditions for the construction of all kinds of works, sets out the essential requirements and the terms for the fulfilment thereof regarding the characteristics of works, prescribes the method and conditions for the pursuit of activities relating to construction, regulates the organisation and field of work of the two professional chambers, regulates inspection and supervision, sets out the sanctions for violations related to construction, and regulates other issues in this area (Article 1 of the Act). Article 2 of the Act stipulates equality in access to buildings and facilities in public use and ensuring access for persons with reduced mobility. Article 18 of the Act obliges the bodies involved in construction works and all other participants in construction works for themselves and within the framework of the rights and obligations defined by the Act to ensure that the works and the individual parts thereof are reliable, comply with spatial planning documents and are the subject of records, and that during use, access, entry and use will be ensured for functionally impaired persons without physical obstructions or communicational hindrances. Article 48 of the Act also stresses that the project design shall observe the measures to ensure access, entry and use for functionally impaired persons without physical obstructions or communicational hindrances. Article 96 stipulates that the issue of a safety permit shall be rejected if the construction has been found non-compliant

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<sup>36</sup> *Uradni list RS*, No. 73/09.

<sup>37</sup> *Uradni list RS*, No. 43/00.

or if changes made in the process of construction entailed changes in the location or other conditions stipulated by the building permit or in elements that could affect health conditions, the environment or the safety of the works, the prescribed essential requirements, or the provision of free access or movement of functionally impaired persons. Sanctions (fines) are prescribed for non-compliance with the legal provisions.

37. Project design shall observe the requirements of the national standard SIST ISO/TR 9527 – Building construction – Needs of disabled people in buildings – Design guidelines – unless individual issues have been regulated differently by the Requirements for the Project Design of Works Without Physical Obstructions.<sup>38</sup>

38. The field of accessibility is further regulated by the Spatial Management Act (ZUreP-1),<sup>39</sup> which stipulates that space should be managed so as to provide functionally disabled persons with unhindered access to buildings to enable their use (Article 3 of the Act); the Decree on the Spatial Order of Slovenia,<sup>40</sup> which stipulates that the planning of buildings for the accommodation of the elderly and functionally impaired should include their construction in areas intended for general housing, housing exclusively and mixed areas and observe the special needs of residents for green and other open areas and for socialising with other social groups of residents (Article 32); Article 16 of the Rules on Leasing Non-Profit Dwellings,<sup>41</sup> which provides that when a non-profit dwelling is leased to a person with a disability or a family with a member with a disability whose movement is restricted or prevented, the need for the removal of architectural barriers in the dwelling or at the entry or exit from the residential building and for sufficient areas for wheelchair movement shall be taken into account; Article 156 of the Housing Act (SZ-1),<sup>42</sup> which stipulates that municipal housing programmes based on the principles of the National Housing Programme shall make specific the housing policy of the municipality, which shall cover special housing programmes in the municipality that take into account architectural and other particularities in providing housing for the disabled; the Rules on the Requirements for Free Access to, Entry to and Use of Public Buildings and Facilities and Multi-Apartment Buildings,<sup>43</sup> which set the standards for providing free access to, entry to and use of public buildings and facilities and multi-apartment buildings, the types of such buildings and premises therein; and the Rules on the Equipment of Railway Stations and Bus Stops,<sup>44</sup> which determine the equipment of railway stations and stops so as to enable passengers and other persons equal, independent and safe access to and from trains and movement around railway stations.

39. The research from the field of physical obstructions and communicational hindrances encountered by persons with disabilities which was carried out by the IRSSV and UIRS demonstrated that the practical implementation of laws and regulations referring to the elimination of the existing and prevention of new obstructions and hindrances is unsatisfactory and that many measures set by various documents for the elimination of obstructions and hindrances and unhindered movement were still not implemented. Thus

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<sup>38</sup> *Uradni list RS*, No. 92/99.

<sup>39</sup> *Uradni list RS*, Nos. 110/02, 8/03 – as amended, 58/03 – ZZK-1, 33/07 – ZPNačrt, 108/09 – ZGO-1C, and 80/10 – ZUPUDPP.

<sup>40</sup> *Uradni list RS*, No. 122/04.

<sup>41</sup> *Uradni list RS*, Nos. 14/04, 34/04, 62/06, 11/09, 81/11.

<sup>42</sup> *Uradni list RS*, Nos. 69/03, 18/04 – ZVKSES, 47/06 – ZEN, 45/08 – ZVEtL, 57/08, 62/10 – ZUPJS, 56/11 – Constitutional Court Decision, 87/11, and 40/12 – ZUJF.

<sup>43</sup> *Uradni list RS*, Nos. 97/03, 77/09.

<sup>44</sup> *Uradni list RS*, Nos. 72/09 and 72/10.

persons with disabilities still encounter numerous physical obstructions and communicational hindrances in the environment.<sup>45</sup>

### **Article 10 – Right to life**

40. Persons with disabilities have an equal right to life as all other citizens. The right to life describes the belief that a human being has a basic right to life and that a human being does not have a right to kill another human being. The concept of the right to life is of central importance for the discussions about capital punishment, euthanasia, self-defence, abortion and war.

41. Article 17 of the Constitution stipulates that human life is inviolable and that there shall be no capital punishment in Slovenia. Equality before the law is guaranteed by the Constitution.

42. The rights of disabled persons are not guaranteed under a single umbrella act (i.e. the ZIMI), but are integrated in sector-specific legislation, under different acts regulating the various rights of disabled persons in different areas.

43. The Constitution also provides that decisions on the birth of children shall be unhindered. The state shall guarantee the opportunities for exercising this freedom and shall create such conditions as will enable parents to decide to bear children (Article 55). According to the Act Regulating Health Measures in Exercising Freedom of Choice in Childbearing,<sup>46</sup> induced abortion is a medical intervention performed upon the request of the pregnant woman up to the 10th week of pregnancy (Article 17). Induced abortion after the 10th week of pregnancy may be performed upon the request of the pregnant woman only if the intervention-related risk to the life and health of the pregnant woman and her future maternity is less than the risk that would be imposed on the pregnant woman or the child due to continuation of pregnancy and childbirth (Article 18). In the case of a mentally incompetent pregnant woman, the request for induced abortion on her behalf shall be made by her parents or guardian (Article 22).

### **Article 11 – Situations of risk and humanitarian emergencies**

44. Persons with disabilities are guaranteed the right to safety in crisis and non-crisis situations alike. The right to safety is, for example, implemented in all police procedures: protecting people's lives, personal safety and property is defined as the fundamental task of the police by the Police Act.<sup>47</sup> In a state of emergency or war, the police would perform especially the tasks of a civil police force complying with the rules of international acts on the status of participants in conflicts and the civil population during conflicts: police protection from violence, plundering and other harmful acts would clearly include persons with disabilities, as the police would continue their tasks of protecting people and property in the interests of the civil population even in the event of a crisis or a state of war or emergency.

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<sup>45</sup> Kopal Tomc, B., Smolej, S., Nagode, M., Sendi, R., Černič Mali, B., Kerbler, B. Kefo, Tominc, B. and Mujkič, S. (2008). *Dostopnost grajenega in komunikacijskega okolja kot predpogoj za socialno vključevanje invalidov: (Accessibility of the Built and Communication Environment as a Precondition of the Social Inclusion of Persons with Disabilities: The Users' Perspective)*. Ljubljana: IRSSV.

<sup>46</sup> *Uradni list SRS*, Nos. 11/77, 42/86, and 70/00 – ZZNPOB.

<sup>47</sup> *Uradni list RS*, Nos. 66/09 – official consolidated text, 22/10, 26/11 – Constitutional Court Decision, 58/11 – ZDT-1, 40/12 – ZUJF, 96/12 – ZPIZ-2, 15/13 – ZNPPol, and 15/13 – ZODPol.

45. Persons with disabilities are guaranteed criminal law protection and international protection. The Criminal Code (KZ-1)<sup>48</sup> lays down sanctions for violations of the principles of equal rights, including rights concerning employment and unemployment, hate speech, violent conduct, incitement to hatred, dissent or intolerance; criminal offences against honour and reputation and against sexual inviolability; and criminal offences against the general safety of people and property and of public transport. Also important for the position of persons with disabilities in a state of emergency or war are the provisions of the KZ-1 on criminal acts against humanity (genocide, crimes against humanity, war crimes, torture, terrorism and establishing slavery relations) and criminal acts against life and limb (especially abandonment of an infirm person or denial of assistance).

46. Slovenia ensures the protection of persons with disabilities in situations of risk and humanitarian emergencies by implementing general provisions of international humanitarian law that refer to the protection of the civilian population and do not divide individuals in categories, but protect all persons taking no active part in hostilities.

47. A special provision on the respect of international obligations in respect thereof is contained in several acts that refer to protection in situations of risk and humanitarian emergencies (e.g. the Defence Act<sup>49</sup> and the Protection Against Natural and Other Disasters Act<sup>50</sup>).

48. By adopting the International Protection Act,<sup>51</sup> which also considers the provisions of the Geneva Convention, Slovenia regulated the conditions for granting international protection (aliens – nationals of a third state or stateless persons). One category of vulnerable persons with special needs that enjoys special protection is that of persons with disabilities who hold refugee status and subsidiary protection status, who are granted special care in all conditions and security situations. The accommodation of vulnerable persons with special needs — asylum seekers, refugees and persons granted subsidiary protection — takes into account the specific situation of these persons: material conditions of acceptance, health and psychological consultation and care are adapted accordingly.

49. The Electronic Communications Act (ZEKom)<sup>52</sup> enacted new options for 112 emergency calls in text form, which is intended mostly for the deaf and hard of hearing as it ensures them equal opportunities. This original Slovenian technical solution for emergency text calls, WAP112, received an award from the European Foundation 112 and the European association EENA.

## **Article 12 – Equality before the law**

50. Equality before the law is generally regulated by Article 14 of the Constitution, while special protection of persons with disabilities is provided by Article 52.

51. The fundamental and general act prohibiting discrimination in Slovenia is the ZUNEO, which provides for equal treatment in all areas of social life (employment, education, access to goods and services, etc.) irrespective of sex, nationality, race or ethnic

<sup>48</sup> *Uradni list RS*, No. 50/12 – official consolidated text.

<sup>49</sup> *Uradni list RS*, No. 103/04 – official consolidated text.

<sup>50</sup> *Uradni list RS*, Nos. 51/06 – UPB1 and 97/10.

<sup>51</sup> *Uradni list RS*, Nos. 11/11 – official consolidated text, 98/11 – Constitutional Court Decision, 83/12, 111/13, and 114/13 – Constitutional Court Decision.

<sup>52</sup> *Uradni list RS*, Nos. 13/07 – official consolidated text, 102/07 – ZDRad, 110/09, 33/11, and 109/12 – ZEKom-1 and 101 (Electronic Communications Act /ZEKom-1/ (*Uradni list RS*, Nos. 109/12 and 110/13).

origin, religion or belief, disability, age, sexual orientation or other personal circumstance. By adopting the ZUNEO, Slovenia introduced equal protection from discrimination on the grounds of all personal circumstances and in all fields of social life which considerably exceeded both European Union standards and international standards of protection against discrimination. The ZUNEO prohibits direct and indirect discrimination and harassment and retaliatory measures (prohibition of victimisation). It also allows for the option of adopting special measures (Articles 6 and 10 a), i.e. temporary measures whose aim is to ensure the actual equality of persons in a less favourable position. The Act defines special measures as positive and incentive measures taken by authorities, employers, education institutions, political parties, civil society organisations and other entities given the nature of work and the scope of activity in which their purpose and grounds for adoption are defined. It guarantees individuals and legal persons legal protection in cases of violation of the prohibition of discrimination, enacts the reversal of the burden of proof for such cases, and enables the participation of non-governmental organisations in judicial and administrative proceedings initiated by discriminated persons on the grounds of a violation of the prohibition of discrimination. It also determines the advocate of the principle of equality and the Council of the Slovenian Government for Implementation of the Principle of Equal Treatment as the key institutions in the field of protection against discrimination; their detailed description is provided below.

52. An important entity in the dialogue with civil society organisations and non-governmental professional institutions in the field of equal treatment and non-discrimination is the Council of the Slovenian Government for Implementation of the Principle of Equal Treatment (SUNEO). Active since 2008, the SUNEO is a professional and consulting body of the Government of Slovenia in the field of the implementation of the principle of equal treatment and the principle of prohibition of discrimination. The tasks of the SUNEO include the following: to monitor the implementation of the provisions of the ZUNEO, to monitor and evaluate the situation of individual social groups from the aspect of implementation of principle of equal treatment, to make initiatives for the adoption of regulations and measures necessary for the implementation of the principle of equal treatment, and to make initiatives for the promotion of education, awareness-raising and research in the field of equal treatment of persons.

53. The ZUNEO also established a special institution to address cases of violation of the prohibition of discrimination, i.e. the advocate of the principle of equality. The advocate is appointed by the Government of Slovenia for a term of five years, which is renewable. In terms of organisation, the activities of the advocate are bound by the Government Office for Equal Opportunities. In addressing cases of alleged discrimination, the ZUNEO provides the advocate autonomy and independence of the instructions of the head of the Office for Equal Opportunities or the Government of Slovenia.

54. Since the establishment of the institution of the advocate of the principle of equality, most cases of discrimination have occurred in the field of employment and labour relations (sexual harassment at work, threats of termination of employment or transfer to a less favourable job because of pregnancy or parenthood, unequal treatment of men in exercising rights arising from parental care, etc.), while the most common reason for discrimination has been gender. The share of discrimination on the basis of gender, however, has fallen in recent years, while there has been an increase in the number of cases of alleged discrimination especially in the field of access to goods and services, with other personal circumstances, especially nationality or ethnic origin, as an increasingly frequently cited reason. On the other hand it is true that many alleged cases of discrimination prove to be unfounded, which is, according to the advocate, a consequence of an insufficient awareness of the notion and forms of discrimination. In the 2008-2010 period, the advocate received a total of 14 initiatives for consideration on the grounds of discrimination or unequal treatment on the grounds of disability (which is slightly less than a tenth of all initiatives

received). As a rule, initiatives refer to discrimination in the fields of employment and labour relations, access to goods and services, and education.

55. One of the major issues concerning equality before the law is related to the Constitutional Court decision No. U-I-101/07 of 13 December 2007, which said that the ZDVTDP was inconsistent with the Constitution and that the National Assembly of Slovenia should remedy the established inconsistency within a time limit of one year from the publication of this decision in *Uradni list RS* [the Official Gazette of the Republic of Slovenia].<sup>53</sup> The central issue that was the subject of the Constitutional Court's decision was whether it is inconsistent with the Constitution if the legislator had, by means of an amendment to the Marriage and Family Relations Act (ZZZDR-B),<sup>54</sup> more precisely by means of Article 26 of the amended ZZZDR-C, amended Article 123 of the ZZZDR so that it abolished the obligation of parents to support their disabled children who have reached the age of majority and are without sufficient subsistence means without establishing an appropriate obligation of the state derived from the need for social protection of these disabled persons following the abolishing of the maintenance obligation of parents.<sup>55</sup>

56. The Constitutional Court assessed that the legislator excessively interfered with the legal position of the group of persons with disabilities under consideration, which resulted in an unconstitutional legal vacuum in the legal system that the legislator would be obliged to fill. The legislator envisaged the filling of this legal vacuum in the Family Code.<sup>56</sup>

57. The existing legislation also does not sufficiently regulate the field of measures for the exercising of legal capacity of persons with mental health problems and persons with mental development disorder. The procedure for the deprivation of legal capacity is defined in Chapter 2 of the Non-Litigious Civil Procedure Act (ZNP).<sup>57</sup> The grounds for the deprivation of legal capacity may in part or in full include mental illness and mental retardation. A suitable arrangement of this field was envisaged by the Family Code, which proposed the abolition of the institution of the deprivation of legal capacity.

### **Article 13 – Access to the courts**

58. The right to judicial protection is a fundamental human right declared in Article 23 of the Constitution, according to which “everyone has the right to have any decision regarding his rights, duties and any charges brought against him made without undue delay by an independent, impartial court constituted by law”.

59. The Judicial Training Centre (CPI) organises and oversees the implementation of different forms of continuing education of judges, prosecutors, state attorneys, technical assistants and court staff, organises and provides for the implementation of bar exams and

<sup>53</sup> This decision was published in *Uradni list RS*, No. 122/07 of 28 December 2007, which means that the time limit to remedy the inconsistency lapsed on 28 December 2008.

<sup>54</sup> *Uradni list SRS*, Nos. 69/04 – official consolidated text, 101/07 – Constitutional Court Decision, 90/11 – Constitutional Court Decision, and 84/12 – Constitutional Court Decision.

<sup>55</sup> Prior to the amendment (ZZZDR-C), Article 123 of the ZZZDR provided that parents were also obliged to support their children according to their abilities and capacities and with the help of the social community if their children were unable to live and work independently because of severe physical or mental development disorders and were unable to support themselves financially. The ZZZDR-C amendment relieved parents of the burden of maintenance of these persons after their age of maturity or after 26 years of age if they were included in the education system.

<sup>56</sup> The Family Code was adopted by the National Assembly in June 2011; in March 2012, a legislative referendum about the Family Code was carried out in which the Family Code was rejected by voters.

<sup>57</sup> *Uradni list SRS*, Nos. 30/86, 20/88 – as amended, 87/02 – SPZ, and 77/08 – ZDZdr.

other examinations required in the justice system, provides for the implementation of training of judicial trainees, and issues professional publications. In 2008, 2009 and 2010, the CIP organised its “workshops focusing on anti-discrimination awareness”, the aim of which was to offer participants additional skills and methods in order to facilitate the recognition of discrimination in their work and the use of mechanisms for its elimination.<sup>58</sup>

60. Article 4 of the Criminal Procedure Act (ZKP-UPB8)<sup>59</sup> determines that any person deprived of freedom shall be advised immediately, in his mother tongue or in a language he understands, of the reasons for his loss of freedom. Moreover, Article 8 of the same Act provides that parties, witnesses and other participants in the proceedings shall have the right to use their own languages in investigative and other judicial actions and at the main hearing. In conjunction with the ZUSZJ, this means that deaf persons shall have the right to a Slovenian sign language interpreter whose services are funded from the state budget. A similar provision can be found in the General Administrative Procedure Act (ZUP-G)<sup>60</sup> (Articles 62 and 186). The Act also provides that a person who cannot appear upon a summons due to illness or a bodily injury shall be examined in their apartment (Article 184).

61. Paragraph 1 of Article 6 of the ZIMI stipulates that there shall be no discrimination on the basis of disability in proceedings conducted before state authorities, state and local self-government bodies, bearers of public authority, or public service providers. Equality of participation of persons with disabilities in proceedings is provided for by Article 7 of the ZIMI, which stipulates that the blind and the partially sighted or deaf and blind persons shall have the right to submit any written material and to be provided access to all written material in an intelligible form in any proceedings conducted before state authorities, local self-government bodies, bearers of public authority or public service providers, which shall ensure this right to them. This right shall be exercised in the manner chosen by the blind, partially sighted or deaf and blind persons themselves.

62. Free legal assistance constitutes the enforcement of the right to judicial protection, taking into account the social situation of persons who are not able to exercise this right without jeopardising their subsistence or the subsistence of their families. A person eligible to such assistance on statutory conditions may use it to cover fully or partially the costs of legal assistance and for the exemption from payment of legal costs.

## **Article 14 – Liberty and security of the person**

63. Equality before the law is provided for by the Constitution (Article 14). The ZUNEO prohibits direct or indirect discrimination and harassment and retaliatory measures (prohibition of victimisation). It also allows for the option of adopting special measures (Articles 6 and 10a), i.e. temporary measures whose aim is to ensure the actual equality of persons in a less favourable position. This field is detailed in Article 12 of this report.

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<sup>58</sup> Available at: [http://www.mp.gov.si/si/center\\_za\\_izobrazevanje\\_cip/izobrazevanja\\_v\\_pravosodju/izobrazevanja\\_za\\_sodnike\\_tozilce\\_pravobranilce\\_sodno\\_osebje/](http://www.mp.gov.si/si/center_za_izobrazevanje_cip/izobrazevanja_v_pravosodju/izobrazevanja_za_sodnike_tozilce_pravobranilce_sodno_osebje/) (18 January 2012).

<sup>59</sup> ZKP – UPB8, *Uradni list RS*, No. 32/12.

<sup>60</sup> *Uradni list RS*, No. 8/10.

## Article 15 – Freedom from torture or other cruel, inhuman or degrading treatment or punishment

64. Freedom from torture is provided by Article 18 of the Constitution, which stipulates that no one may be subjected to torture or other inhuman or degrading punishment or treatment. The conducting of medical or other scientific experiments on any person without his free consent is prohibited.

65. It should be noted that Slovenia adopted the Act Ratifying the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment<sup>61</sup> in 1993, thus transposing this Convention into its legal order; this was followed by the ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment<sup>62</sup> in 2006.

66. Another important instrument is the Rules on Police Powers,<sup>63</sup> which determine the manner of implementation of individual police powers and the method of use of the instrument of restraint. The Rules impose the respect and protection of human dignity, rights and fundamental freedoms provided for by the Constitution and legislation and the prohibition of torture and other inhuman or degrading treatment. Article 40 of the Rules prohibits the bringing of a person whose movement is restricted because of illness, weakness or bodily injury or of a person whose health condition would be aggravated because of such bringing. When a person must be brought who cares for children or other persons, a police officer shall notify the competent social protection authority to take care of these other persons. The Act imposes on police officers a particular restriction in the use of the instruments of restraint against children and the visibly ill, elderly and frail people, and visibly seriously disabled persons, save in exceptional cases.

67. The question of human rights is not only a part of the theory and practice of the educational programmes of the Police Officers' School but also a part of the training carried out by the Training Centre at the Police Academy and the training for police officers. The issue of human rights is also included in several subjects taught at the Police College, which provides police officers with additional and more in-depth formal education. The police training includes topics on anti-racism, intolerance and understanding of diversity, with a stress on international regulations and police ethics.

68. The respect for human rights and freedoms in police procedures is supervised through the monitoring and control of police officers' work, with complaints about the procedures carried out by police officers seen as another important indicator. In recent years, the police have not recorded any complaints referring to unequal treatment of persons with disabilities or violation of human rights of persons with disabilities, including the provisions of the Convention on the Rights of Persons with Disabilities.

69. As has been mentioned, Article 11 of the International Protection Act places persons with disabilities in the category of vulnerable persons with special needs who are granted special protection. The accommodation of vulnerable persons with special needs takes into account the specific situation of these persons: material conditions of acceptance, health and psychological consultation and care are adapted accordingly. Persons with disabilities are thus placed in special wards of asylum centres adapted to their needs. They are provided with special psychological consultation, psychotherapy and therapies with psychiatrists. If asylum seekers cannot not express themselves either in speech or in a sign language, they

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<sup>61</sup> *Uradni list RS*, No. 7/93.

<sup>62</sup> *Uradni list RS*, No. 20/06.

<sup>63</sup> *Uradni list RS*, No. 16/14.

are enabled to express themselves in another way, i.e. with the help of an appropriate expert. Asylum seekers placed in the asylum centre shall be free from any form of torture or other cruel, inhuman or degrading treatment or punishment.

70. In the context of Slovenian prisons, we might point to Koper Prison, where convicts have at their disposal a special patient room adapted to the needs of disabled persons and a lift. Dob Prison, the central prison in Slovenia, is also tailored to the needs of persons with disabilities to a certain extent.

### **Article 16 – Freedom from exploitation, violence and abuse**

71. According to the KZ-1, criminal offences against human rights and freedoms include the criminal offence of the violation of the right of equality (Article 131). An offender who, due to differences in respect of nationality, race, skin colour, religion, ethnic roots, gender, language, political or other beliefs, sexual orientation, financial situation, birth, genetic heritage, education, social position or any other circumstance, deprives or restrains another person of any human right or liberty recognised by the international community or laid down by the Constitution or statute shall be punished by a fine or sentenced to imprisonment for not more than one year. A higher penalty shall be imposed on officials who commit such an offence through the abuse of office or official authority.

72. The definition of the offence of abandonment of a helpless person (Article 129) envisages sanctions for an offender who abandons a person who has been entrusted to him or whom he is bound to take care of, while sexual abuse of a defenceless person (Article 172) is deemed to have been committed by whoever has sexual intercourse or performs any lewd act with a person by abusing the fact of his mental disease, temporary or graver mental disorder or sickness, or any other state owing to which that person is not capable of resisting. The criminal offence of sexual assault on a person under 15 years of age is considered even more severe if such an assault is committed on a helpless person. The definition of abandonment of a dependent family member as a criminal offence ensures protection to persons with disabilities (Article 193); similarly, family violence does not discriminate among victims by certain characteristics and takes into account persons with disabilities, too.

73. As a part of public service, social work centres also provide the service of help to family for home. This includes professional counselling and help to re-establish family relationships, professional counselling and help in caring for children and educating the family in performing its daily functions. The service is intended for individuals and families if social distress and difficulties result from disturbed family relationships and can only be improved by changing the inter-family relationships; families seeking professional counselling and help in caring for children; and families in which two or more family members necessitate more permanent support and guidance to ensure normal conditions for maintaining and developing the family. Participation in this service shall be based on the voluntary decisions of individuals or families.<sup>64</sup>

74. In the field of mental health, social work centres recruited community-based mental-health treatment coordinators at the end of 2010. Coordinators are qualified professionals whose task is to provide assistance to persons who are no longer in need of treatment in a psychiatric hospital or supervised treatment but need support in psychosocial rehabilitation,

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<sup>64</sup> *Katalog javnih pooblastil, nalog po zakonu in storitev, ki jih izvajajo CSD (Catalogue of Public Authorities, Legitimate Duties and the Services Provided by Social Work Centres)*, Skupnost CSD (Association of Social Work Centres), July 2011.

daily activities, arranging living conditions and inclusion in daily life based on a plan of treatment. All tasks are focused on finding appropriate solutions with a view to ensuring the earliest possible return to their home environment.<sup>65</sup>

75. The MDDSZ designates the representative of the rights of persons in the field of mental health. This person protects the rights, interests and benefits of the person concerned. Besides tasks determined in a written authorisation, the representative carries out the following tasks:

- Provides appropriate information about the right to correspondence and use of email, about the right to send and receive consignments, about the right to receive visitors, about the right to use the telephone and about the right to move;
- Provides specific advice and clarifications regarding the enforcement of the person's rights;
- Advises the person about the enforcement of his rights;
- Strives for the respect of the rights of persons;
- Verifies whether records about the limitation of rights provided by the Mental Health Act (ZDZdr)<sup>66</sup> are kept for the person, whether records about the use of special security measures provided by the law are kept for the person, and whether records about special treatment modalities provided by the law are kept for the person;
- Proposes the performance of an administrative control of the ordering and implementation of a special security measure.

76. Each representative is appointed for an area of two psychiatric hospitals.<sup>67</sup>

77. Various associations and public institutions (e.g. social work centres and the Office for Equal Opportunities) implement prevention programmes of counselling and advice about violence; carry out workshops and lectures about acts that enable the resolution of violence-related problems; inform and raise the awareness of the interested public of the existing network of assistance and services for addressing family violence; organise campaigns for raising public awareness, and similar. Information about assistance and services for the resolution of the issue of violence can be obtained at the headquarters of associations and social work centres in the context of first social aid. First social aid helps an individual in identifying social distress and difficulties, evaluating possible solutions, informing the entitled person about all possible types of social services and benefits and about the obligations resulting from the chosen type of service or benefit and providing information about the network of providers which can assist the entitled person.<sup>68</sup>

78. Family violence is addressed by the Family Violence Prevention Act (ZPND). This Act sets out the notion of family violence, defines the role and tasks of national authorities, bearers of public authority, public service providers, authorities of self-governing local

<sup>65</sup> Source: MDDSZ, available at: [http://www.mddsz.gov.si/si/delovna\\_podrocja/sociala/dusevno\\_zdravje/koordinator\\_obravnav\\_e\\_v\\_sk\\_upnosti/](http://www.mddsz.gov.si/si/delovna_podrocja/sociala/dusevno_zdravje/koordinator_obravnav_e_v_sk_upnosti/) (27 October 2011).

<sup>66</sup> *Uradni list RS*, No. 77/08.

<sup>67</sup> Source: MDDSZ, available at: [http://www.mddsz.gov.si/si/delovna\\_podrocja/sociala/dusevno\\_zdravje/koordinator\\_obravnav\\_e\\_v\\_sk\\_upnosti/](http://www.mddsz.gov.si/si/delovna_podrocja/sociala/dusevno_zdravje/koordinator_obravnav_e_v_sk_upnosti/) (27 October 2011).

<sup>68</sup> *Katalog javnih pooblastil, nalog po zakonu in storitev, ki jih izvajajo CSD (Catalogue of Public Authorities, Legitimate Duties and the Services Provided by Social Work Centres)*, Skupnost CSD (Association of Social Work Centres), July 2011.

communities (hereinafter: authorities and organisations) and non-governmental organisations in addressing family violence, and determines the measures for the protection of family violence victims. The ZPND was the basis for the Resolution on the National Programme for the Prevention of Family Violence 2009-2014<sup>69</sup> adopted on 27 May 2009.

79. Besides persons with disabilities, the elderly and persons with special needs, children enjoy the highest level of protection as the most vulnerable social group. Children with disabilities thus belong in two categories to which the Act devotes particular attention. The ZPND stipulates that children shall also be considered victims in cases where they only witness scenes of violence perpetrated against other family members. In cases of suspicion that a given child might be a victim of family violence, everyone is liable to report such suspicion to a social work centre, the police or the state prosecutor's authority, even in cases when bound by professional secrecy. The Act also introduces a special prohibition of exposing children to mass media in cases of family violence, which is very important as children shall need to be protected from unnecessary re-experience of violence, exposure to media pressure and social stigmatisation.

80. Besides measures provided by the Family Violence Prevention Act, there are those determined by other laws and regulations, namely the following:

- Rules on the Organisation and Work of Multidisciplinary Teams and Regional Services and on the Activities of Social Work Centres in Dealing with Domestic Violence;<sup>70</sup>
- Rules on the Treatment of Domestic Violence for Educational Institutions;<sup>71</sup>
- Rules on Procedures for Dealing with Domestic Violence in the Implementation of Health Activities;<sup>72</sup>
- Rules on Cooperation Between the Police and Other Authorities and Organisations in the Detection and Prevention of Domestic Violence.<sup>73</sup>

81. Active in the field of social and health care are social and health inspection that organise and supervise the work of all providers of programmes, services and other activities in the field of social and health care.

82. The Health Inspection Act<sup>74</sup> provides that the Health Inspectorate of the Republic of Slovenia supervises the implementation of laws and other legislative acts governing the health and hygienic conditions of public spaces intended for activities in the fields of childcare, education, schooling, hygiene care, social care, sports and recreation, trade and culture, and temporary housing in the event of natural disasters and evacuations.

83. The ZSV (Article 102) determines the tasks of the social inspectorate. According to the ZSV, control over the work of public social welfare institutions, concessionaires and other legal or physical persons providing social assistance services on the basis of authorisation to work shall be organised and performed by the social inspectorate within the framework of a body incorporated in the ministry responsible for social assistance.

84. Specific activities that deserve a mention in this regard include "Advocate – A Child's Voice", a project implemented by the Human Rights Ombudsman in 2007 and 2008

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<sup>69</sup> *Uradni list RS*, No. 41/09.

<sup>70</sup> *Uradni list RS*, No. 31/09.

<sup>71</sup> *Uradni list RS*, No. 104/09.

<sup>72</sup> *Uradni list RS*, No. 38/11.

<sup>73</sup> *Uradni list RS*, No. 25/10.

<sup>74</sup> *Uradni list RS*, No. 59/06 – official consolidated text.

that was concluded by a panel discussion in 2009 and “Violence against persons with disabilities – In the private sphere and/or partnership”, a survey carried out by the Office for Equal Opportunities in 2008. In the latter survey, the authors note that persons with disabilities still experience mostly covert forms of violence that take place in the private sphere and often remain unnoticed by disability organisations, too. Victims of violence seek help especially at social work centres and with the police, most frequently in cases of physical violence. Another survey that deserves a mention is that concerning violence against physically impaired women (Julijana Kralj, 2008, VIZIJA Association of Physically Impaired Persons, Slovenske Konjice).

## **Article 17 – Protecting the integrity of the person**

85. Protection of the integrity of the person is determined by Article 34 of the Constitution (right to personal dignity and safety), which provides that everyone has the right to personal dignity and safety. The respect for human personality and dignity in criminal and in all other legal proceedings, and during the deprivation of liberty and enforcement of punitive sanctions, is regulated by Article 21 of the Constitution. In the field of healthcare, this is regulated by the Patients’ Rights Act,<sup>75</sup> whose Article 3 (principles governing the enforcement of patients’ rights) provides for the following: (a) respect for all individuals as human beings and respect for their moral, cultural, religious, philosophical and other personal beliefs, (b) respect for physical and mental integrity and security, (c) protection of the greatest health benefits for the patient, in particular children, (d) respect for privacy, (e) respect for independence when making treatment decisions, (f) respect for the individual’s personality and dignity by ensuring that nobody is socially ostracised for his health condition or background, the consequences and circumstances of his condition, or medical care that the individual was given because of these. The rights of patients may be restricted by laws from the field of ensuring public security and public health and in cases when other persons’ rights could be threatened. The area of consent to medical treatment is defined in Articles 26 to 38 of the Patients’ Rights Act. Article 37 sets out the manner of enforcement of the rights of patients with mental health problems.

86. The rights of persons with mental health problems are governed by the ZDZdr, whose Article 10 lays down that a mental disorder of a person does not in itself constitute a justifiable medical reason to perform sterilisation or therapeutic abortion. The Act Regulating Health Measures in Exercising Freedom of Choice in Childbearing<sup>76</sup> provides for health measures in exercising the freedom of choice in childbearing and the restriction of this right for health reasons (see Article 10).

## **Article 18 – Liberty of movement and citizenship**

87. The right to acquire or annul citizenship is set out by the Citizenship of the Republic of Slovenia Act.<sup>77</sup> As it does not contain any particular references to persons with disabilities, the latter are treated equally as other residents of the Republic of Slovenia. A person may acquire the citizenship of Slovenia by origin, by birth in the territory of the Republic of Slovenia, through naturalisation, or in compliance with an international

<sup>75</sup> *Uradni list RS*, No. 15/08.

<sup>76</sup> *Uradni list SRS*, Nos. 11/77 and 42/86; *Uradni list RS*, Nos. 13/93, 29/95, 70/00.

<sup>77</sup> *Uradni list RS*, No. 24/07 – official consolidated text.

agreement. The cessation of citizenship of the Republic of Slovenia shall be by dismissal, renunciation, deprivation or by international agreement.

88. The freedom of movement for citizens of Slovenia is determined by Article 32 of the Constitution, which states that everyone has the right to freedom of movement, to choose his place of residence, to leave the country and to return at any time. This right may be limited by law, but only where this is necessary to ensure the course of criminal proceedings, to prevent the spread of infectious diseases, to protect public order, or if the defence of the state so demands. This makes it clear that the right to freedom of movement of persons with disabilities is the same as for other citizens of the Republic of Slovenia.

89. All births of Slovenian citizens, regardless of the place (in Slovenia or abroad), and all births of foreign citizens that occur in the territory of Slovenia are entered in the register of births, marriages and deaths. The register of births, marriages and deaths is a computerised database recording facts such as birth data (name and surname, sex, day, month, year, time and place of birth, citizenship, unified personal registration number of the citizen);<sup>78</sup> data about a child's parents (names and surnames, unified personal registration numbers, permanent addresses); and the acquisition and cessation of citizenship. The register of deaths, births and marriages is governed by the Register of Deaths, Births and Marriages Act.<sup>79</sup>

### **Article 19 – Independent living and inclusion in the community**

90. The right to independent living and equal inclusion in the community is provided for by several acts that mostly determine services, programmes and benefits that enable such independence and inclusion.

91. The ZSV provides for two important services of care for persons with disabilities and the elderly in the home environment, namely the domestic help service and the right to a home care assistant.

92. Domestic help includes domestic social care and mobile help. Domestic social care covers various forms of useful help and services provided to a beneficiary in cases of disability or old age and in other cases where domestic social care can replace institutional care. Mobile help is a type of professional help provided at home, ensuring persons with mental and physical development disorders professional treatment at home.

93. The legal institution of the home care assistant is a right pertaining to persons eligible for institutional care to choose a home care assistant (a person who lives at the same permanent residence as the person with disability **or** one of his family members), who provides help in the domestic environment, over institutional care, subject to requirements specified by the ZSV and in cases stipulated therein.

94. The Vocational Rehabilitation and Employment of Persons with Disabilities Act, adopted in 2004, sets out measures (vocational rehabilitation services, supported employment, sheltered employment in employment centres and sheltered companies, etc.) that create and promote employment opportunities for persons with disabilities, thus enabling independent living and inclusion in the community.

95. The ZDZdr, adopted in 2008, determines health policy in this field and activities in the field of social care of persons with mental health problems. The Act introduced three

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<sup>78</sup> The unified personal registration number of the citizen (EMŠO) is a personal identification number in the Republic of Slovenia.

<sup>79</sup> *Uradni list RS*, No. 11/11 – official consolidated text.

important novelties: community-based mental health treatment coordinators, the representative of the rights of persons in the field of mental health and multidisciplinary teams appointed by social work centres for each individual case. These institutions offered users new experts who will help them reintegrate into their local environment and protect their rights in the event of forced hospitalisation.

96. The ZIMI, adopted in 2010, governs the fields of equal opportunities for and non-discrimination against persons with disabilities and is one of the most important documents in these fields in Slovenia. Among other things, it prohibits discrimination on the grounds of disability that denies persons with disabilities the choice of residence or the decision on where and with whom they will live. Moreover, the Act imposes on local self-government communities the obligation to ensure adapted non-profit rental housing to all persons with disabilities who apply for a non-profit rental housing unit and are placed in a priority list of persons entitled to such housing.

97. Also important in the field of living and inclusion in the community are the SZ-1, the NPSt, the Financial Social Assistance Act (ZSVarPre),<sup>80</sup> the ZPIZ-1, the ZDVEDTP, the Resolution on the National Social Assistance Programme 2006-2010 and the API, whose Objective 2 provides that all persons with disabilities have the right to decide on an equal footing and without discrimination where they wish to live and have the right to fully participate in community life.

98. In 2010, the MDDSZ continued with the drafting of a legislative amendment in the field of support services for social inclusion of persons with disabilities which will replace the ZDVEDTP. The law that is being drafted will regulate allowances, which will improve the quality of life of eligible persons, while the introduction of appropriate services will increase their inclusion in the environment/community.

99. The Act governing Long-Term Insurance, Personal Assistance and Long-Term Care Insurance and the Personal Assistance Act were subject to a public debate. Both acts, when adopted, will increase the independence of persons with disabilities and provide a systematic solution to the field of care for persons who need the assistance of other persons in their everyday life; in particular, they will touch upon the field of community care.

100. Although Slovenia is among the more institutionalised countries as far as the care for persons who need other persons' assistance in everyday life is concerned, the health and social system does include services provided to users at home or in the community. In the context of care for persons with disabilities and the elderly in the home environment, the most important services and programmes provided in terms of the formal assistance network are the following: family assistance at home (social care), home care assistance, personal assistance services, field nursing services, programmes that encourage independent living of persons with disabilities and long-distance care services; also important are various cash benefits for persons who need other persons' assistance (assistance and attendance allowances under various acts).

101. The services provided within programmes that encourage independent living of persons with disabilities are financed on project basis from various sources. A special mention should be made of those programmes that provide personal assistance services. These are largely funded in the framework of APZ and FIHO programmes, by the MDDSZ and municipalities<sup>81</sup> and are to be comprehensively regulated by the Personal Assistance

<sup>80</sup> *Uradni list RS*, Nos. 61/10, 40/11, 110/11 – ZDIU12, 40/12 – ZUJF, 14/13 and 99/13.

<sup>81</sup> Smolej, S., Marčič, R., Žiberna, V. and Jakob Krejan, P. (2011). *Spremljanje izvajanja programov socialnega varstva: Monitoring of Social Protection Programme Implementation: Report on Programme Implementation in 2010: Final Report*. Ljubljana: IRSSV.

Act, which is being drafted by the MDDSZ. Important programmes in this field also include advocacy programmes funded through FIHO tenders and the annual MDDSZ tender.

Table 1  
**Some quantitative data from the field of independent living and inclusion of persons with disabilities in society from 2008 to 2012**

	2008	2009	2010	2011	2012
Number of: persons entitled to a home care assistant <sup>82</sup>	/	/	760*	760	727 <sup>83</sup>
Home assistance users under 65 <sup>84</sup>	682,4**	826	811	790	782
Personal assistance users <sup>85</sup>				600 to 700	
Persons included in guidance, care and employment under special conditions <sup>86</sup>	3,016	3,038	3,077	3,198	3,200
Persons with mental development disorders placed in institutional care in the framework of occupational activity centres (total) <sup>87</sup>	799	769	825	878	846
- Of whom in residential group care in an institution	404	356	353	368	304
- Of whom in residential group care in a dislocated unit of an institution	261	267	313	362	363
- Of whom in independent residential group care	134	146	159	148	179
Users of programmes to support the independent living of persons with disabilities and other specialised programmes to organise and encourage independent living of persons with disabilities and personal assistance for disabled persons <sup>88</sup>	3,077	9,772	10,920	13,235	4,613

\* As of 24 August 2011.

\*\* Average monthly number of users.

102. The table above presents information about the life of persons with disabilities in the community which indicates the trend of deinstitutionalisation in the last few years. Some information is, unfortunately, not collected systematically, so the trend cannot be monitored in full. The share of persons with mental development disorders who live in housing units

<sup>82</sup> Source: MDDSZ, available at: [http://www.mddsz.gov.si/si/delovna\\_podrocja/sociala/druzinski\\_pomocnik/](http://www.mddsz.gov.si/si/delovna_podrocja/sociala/druzinski_pomocnik/) (1 March 2012).

<sup>83</sup> Source: MDDSZ.

<sup>84</sup> Source: Nagode, M., Jakob Krejan, P. and Smolej, S. (2011). *Izvajanje pomoči na domu: analiza stanja v letu 2010: končno poročilo (Implementation of Home Assistance: The Analysis of the Situation in 2010: Final Report)*. Ljubljana: IRSSV.

<sup>85</sup> Source: Evaluation of the situation on the basis of tenders by MDDSZ and FIHO.

<sup>86</sup> Source: SI-STAT database (9 December 2013).

<sup>87</sup> Source: SI-STAT database (9 December 2013).

<sup>88</sup> Source: Smolej, S. and Nagode, M. (2008). *Spremljanje izvajanja programov socialnega varstva: Monitoring of Social Protection Programme Implementation: Report on Programme Implementation in 2010: Final Report*. Ljubljana: IRSSV; Smolej, S., Žiberna, V. and Nagode, M. (2009). *Spremljanje izvajanja programov socialnega varstva: Monitoring of Social Protection Programme Implementation: Report on Programme Implementation in 2008: Final Report*. Ljubljana: IRSSV; Smolej, S., Marčič, R., Žiberna, V. and Jakob Krejan, P. (2011). *Spremljanje izvajanja programov socialnega varstva: Monitoring of Social Protection Programme Implementation: Report on Programme Implementation in 2010: Final Report*. Ljubljana: IRSSV.

and residential groups<sup>89</sup> outside institutions has grown in recent years in comparison to the whole population in occupational activity centres (it amounted to 57 per cent in 2010), which testifies to the fact that a growing number of users are moving from bigger into smaller, more flexible residential forms.

## **Article 20 – Personal mobility**

103. The three key factors that influence mobility are the following: accessibility of public transport, accessibility of information and communications, and accessibility of the built environment.<sup>90</sup>

### **1. Accessibility of (public) transport**

104. The mobility in transport is decisively influenced by the adopted legislative context. Thus Article 16 of the ZIMI addresses public transport as follows. Paragraph 1 provides for equal access to road, rail, maritime and inland waterways transportation. Paragraph 2 determines that in managing public utility services, the state and municipalities shall ensure that operators of regular scheduled public bus services and regular urban transport services provide transportation with buses accessible to persons with physical or sensory impairments, and provide information about the possibilities of using the aforementioned services in ways accessible to persons with disabilities. Paragraph 3 provides that if a public utility service provider is not able to ensure that a regular scheduled inter-urban road transportation service is accessible to persons with physical or sensory impairments, it shall be required to provide another appropriate means of transportation, unless it proves that the provision of another appropriate means of transportation would impose a disproportionate burden. In that case, the provider shall be required to ensure other appropriate means of transportation in a scope that does not impose such a burden. Paragraph 4 refers to the adapting of trains and other railway infrastructure for persons with physical or sensory impairments and to the provision of information about the possibilities of using rail transportation in ways accessible to persons with disabilities. Paragraph 5 determines that no additional costs shall be charged for the use of mobility and communication aids (e.g. guide and other assistance dogs and wheelchairs). What is more: Paragraph 6 of Article 16 of the ZIMI stipulates that persons with physical and sensory impairments, guide dogs and other assistance dogs shall be provided with unhindered entry and exit at bus terminals and major bus stops, major railway stations and ports; in addition, information shall also be provided in forms adapted appropriately for disabled persons. Moreover, public maritime and inland navigation infrastructure managers and regular public maritime and inland service carriers shall be required to adapt vessels and other navigation infrastructure to persons with physical and sensory impairments and to provide information about the possibilities of using vessel transportation in ways accessible to persons with disabilities (Paragraph 7 of Article 16 of the ZIMI).

105. The time limits for reasonable accommodation are determined in Article 8 of the ZIMI and are as follows: the time limit for reasonable accommodation concerning accessibility of goods and services provided to the public shall not exceed five years from the entry into force of the ZIMI; reasonable accommodation of existing buildings and facilities in public use shall be ensured by eliminating architectural and communication barriers referred to in Article 9 of the ZIMI – the investor shall eliminate them during the

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<sup>89</sup> A housing unit has up to 24 residents, while a residential group has from 4 to 6 members. Both forms of community living are intended for persons in need of permanent or periodical assistance in caring for themselves.

<sup>90</sup> See Article 9.

first reconstruction of a building or facility carried out after the entry into force of the ZIMI but not later than 15 years from its entry into force; the time limit for reasonable accommodation of education and study processes referred to in Article 11 of the ZIMI shall not exceed five years from its entry into force; the time limit for reasonable accommodation of buses for public road transportation of passengers so as to ensure accessibility to persons with disabilities referred to in Article 16 of the ZIMI shall not exceed ten years from its entry into force; the time limit for reasonable accommodation of rail transportation of passengers so as to ensure accessibility to persons with disabilities referred to in Article 16 of the ZIMI shall not exceed 15 years from its entry into force.

106. The provision of access and space for wheelchairs on city buses is determined by Article 53 of the Road Transport Act (ZPCP-2).<sup>91</sup> Article 59 determines that the transport of the disabled and passengers requiring regular care in medical institutions shall be carried out as a special form of transport without a licence if only such persons are transported by the vehicles.

107. Discounts in public passenger transport are granted to the war-disabled, war veterans, the blind and partially sighted, and persons with types of dystrophy and similar muscular and neuromuscular diseases. Free-of-charge transport for all attendants of persons on wheelchairs is provided on trains and on regularly scheduled public bus services designated by the service providers. The level of discount is different for different bus operators, as Article 5 of the Decree on Granting Concessions to Provide Public Regular Passenger Services in National Road Transport as Public Service Obligations stipulates that public utility service providers shall set the tariffs themselves while concessionaires shall set their own discount levels for individual categories of users.<sup>92</sup>

108. Buses in regular urban transport and in regular scheduled services and trains are adapted to accommodate persons with physical and sensory impairments (access and entry to the bus, provision of information on screen and in audio output). Persons with disabilities are granted access to public railway infrastructure facilities intended for passengers. The Ministry complies with Directive of the European Union No. 2001/185, which specifies technical requirements for adapted buses in urban and suburban transport.<sup>93</sup>

109. An example of good practice here is that of Ljubljana City Public Transport (LPP), which introduced its “Transport on Call” system for persons with physical impairments in 2012. A passenger calls the LPP transport control centre, where he requests transport on a certain date and time and receives immediate feedback about the transport options — within the limits of the capacities of LPP — and subsequently a confirmation of the transport. The LPP transport control centre then notifies a driver, who then accepts the passenger on the bus at the arranged time. This saves an impaired person from unnecessary stress while informing drivers about passengers in need of assistance in advance, enabling them to act accordingly.

110. In intercity or inter-urban railway transport, the transport of persons in wheelchairs is possible on ICS (InterCity Slovenia) trains, where seat reservation is otherwise compulsory. A full ICS supplement must be paid in order to travel on ICS trains. Persons in

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<sup>91</sup> *Uradni list RS*, Nos. 131/06 (5/07 – as amended), 123/08, 28/10, 49/11, 40/12 – ZUJF, 57/12 and 39/13.

<sup>92</sup> Marčič, R., Smolej, S., Dremelj, P. and Kobal Tomc, B. (2011). *Vmesna evalvacija Akcijskega programa za invalide 2007–2013: končno poročilo (Interim Evaluation of the Action Programme for Persons with Disabilities 2007–2013: Final Report)*. Ljubljana: Social Protection Institute of the RS.

<sup>93</sup> Marčič, R., Smolej, S., Kobal Tomc, B. and Dremelj, P. (2012). *Poročilo o uresničevanju Akcijskega programa za invalide 2007–2013 v letu 2011 (Report on the Implementation of the Action Programme for Persons with Disabilities 2007–2013 in 2011)*. Ljubljana: IRSSV.

wheelchairs are also able to travel on most EuroCity (EC) and some InterCity trains. Trains with carriages adapted for the transport of persons in wheelchairs are specially designated on timetables.

111. Slovenia complies with the provisions of European directives and regulations in the field of rail, bus, maritime and air transport.

112. In December 2009, Slovenske železnice (Slovenian Railways) began to implement the provisions concerning the rights of passengers from Regulation No. 1371 of the European Parliament and the Council of Europe and Directive of the European Union No. 2001/85, which specifies technical requirements for adapted buses in urban and suburban transport, both in domestic and in international passenger transport. The railway infrastructure and railway vehicles are being adapted according to the Commission Decision of 21 December 2007 concerning the technical specification of interoperability relating to persons with reduced mobility in the trans-European conventional and high-speed rail system of 21 December 2007.<sup>94</sup>

113. In air transport, persons with reduced mobility have the right to free assistance at airports (on departure and arrival and during transit) and on aircrafts (e.g. transport of wheelchairs and transport of guide dogs). Management bodies of airports must offer such assistance and fund the service from fees charged to air carriers.<sup>95</sup>

114. The Road Traffic Rules Act (ZPrCP)<sup>96</sup> provides for the right to park in parking spaces reserved for persons with disabilities. Article 57 of the Act stipulates that a vehicle parked in a parking space designated for persons with disabilities shall display a valid parking card. Persons eligible for such a card are defined in Paragraph 1 of Article 66 of the ZPrCP and are as follows: persons with at least 60 per cent certified physical impairment due to the loss, injury or paralysis of lower limbs or pelvis; persons with multiple sclerosis; persons with muscular and neuro-muscular diseases with at least 30 per cent assessed physical impairment; persons with serious mental handicap whose invalidity according to the regulations on social care of physically and mentally handicapped persons qualifies them as handicapped persons; persons with at least 90 per cent certified physical impairment due to loss of sight; minors with serious physical or mental handicap or minors whose mobility is reduced due to the loss, injury or paralysis of lower limbs or pelvis; and healthcare services, social services and disability organisations whose workers visit patients at home because of urgent and unavoidable services necessary for the patients' health or life.

115. The form and contents of the parking card, conditions and procedure of issue, validity, method of marking and records of issued cards are detailed by the Rules on the Parking Card.<sup>97</sup>

116. Article 10 of the Rules on Passenger Ships<sup>98</sup> determines safety requirements for persons with reduced mobility. According to these Rules, persons with reduced mobility include all persons with special problems in the use of public transport, including the elderly, persons with disabilities and impaired sensory functions and users of wheelchairs, pregnant women, and persons accompanying small children. Passenger ships of classes A,

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<sup>94</sup> Marčič, R., Smolej, S., Kobal Tomc, B. and Dremelj, P. (2011). *Vmesna evalvacija Akcijskega programa za invalide 2007–2013: končno poročilo (Interim Evaluation of the Action Programme for Persons with Disabilities 2007–2013: Final Report)*. Ljubljana: IRSSV.

<sup>95</sup> *Ibid.*

<sup>96</sup> *Uradni list RS*, Nos. 109/10, 57/12, 63013.

<sup>97</sup> *Uradni list RS*, Nos. 41/06, 109/10 – ZPrCP, and 67/11.

<sup>98</sup> *Uradni list RS*, No. 23/11.

B, C and D and fast passenger vessels carrying out public transport the keels of which are laid or which are at a similar stage of construction as of 1 October 2004 shall be such as to enable these persons safe access. In 2009, the Port State Control carried out a regular inspection of Slovenian passenger ships regarding the transport of persons with reduced mobility; in terms of their technical features, all ships complied with the criteria for transporting persons with reduced mobility.<sup>99</sup>

117. In accordance with the Aviation Act<sup>100</sup> (Articles 119 to 123) and the building construction regulations, prior consents and operating licences shall be issued for airports. All conditions for the minimisation of barriers and the establishment of facilitation for persons with disabilities and persons with reduced mobility have to be met, such as construction of suitable transport ramps, adapted toilets and suitable vehicles for the processing of passengers. Each airport has prescribed procedures and equipment corresponding to the disability or reduced mobility of individual persons, such as the obligation to provide attendants, special airport transports, priority boarding, lifts and special wheelchairs. The field of the construction and arrangement of airports is regulated by Annex 9 of the Chicago Convention of the International Civil Aviation Organization (ICAO), which is also binding on Slovenia. Regulation (EC) No. 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air<sup>101</sup> entered into force on 15 August 2008.

## 2. Access to information and communication

118. The right of deaf persons to use sign language and to have access to information using techniques adapted to their needs and the scope and the manner of exercising the right to a sign language interpreter with respect to the equal inclusion of deaf people in the living and work environment and in all forms of social life, with the same rights, conditions and opportunities as persons with no hearing impairment, is governed by the Slovenian Sign Language Act (ZUSZJ). Powers conferred by public law providing for the right to a sign language interpreter are exercised by the Association of Slovene Sign Language Interpreters active as a non-profit NGO.

119. In its Article 10, the ZUSZJ provides that deaf persons shall have the right to use sign language in procedures conducted by state authorities, local self-government bodies, bodies exercising powers conferred by public law and providers of public services. Deaf persons shall also have the right to use sign language in any other life situation where deafness would pose an obstacle to fulfilling their needs. The aforesaid rights are exercised through the right to use a sign language interpreter. Deaf persons shall also have the right to be informed through techniques adapted to them in accordance with special rules.

120. A deaf person may exercise the right to a sign language interpreter at his own discretion up to a maximum of 30 hours per year, while a deaf person with student status may, for reasons of additional needs due to education, exercise the right to a sign language interpreter for more than 30 hours, but not exceeding 100 hours, per year (ZUSZJ, Article 13). The deaf person shall exercise the right to a sign language interpreter directly

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<sup>99</sup> Marčič, R., Smolej, S., Dremelj, P. and Kobal Tomc, B. (2011). *Vmesna evalvacija Akcijskega programa za invalide 2007–2013: končno poročilo (Interim Evaluation of the Action Programme for Persons with Disabilities 2007-2013: Final Report)*. Ljubljana: IRSSV.

<sup>100</sup> *Uradni list RS*, No. 81/10.

<sup>101</sup> Marčič, R., Smolej, S., Dremelj, P. and Kobal Tomc, B. (2011). *Vmesna evalvacija Akcijskega programa za invalide 2007–2013: končno poročilo (Interim Evaluation of the Action Programme for Persons with Disabilities 2007-2013: Final Report)*. Ljubljana: IRSSV.

with the Association of Slovene Sign Language Interpreters or with interpreters from the list of interpreters under Article 8 of this Act. The deaf person shall pay the sign language interpreter for the services rendered with a voucher issued by a social work centre on the basis of a decree on the rights covered by the Act. The costs of a sign language interpreter are covered by the ministry responsible for the protection of persons with disabilities.

121. The Rules on the Official ID Card and the Voucher Granting the Right to Use a Slovenian Sign Language<sup>102</sup> Interpreter contain a detailed description of the ID card issued to a deaf person on the basis of a social work centre decision which recognises the right to the use of Slovenian sign language and a detailed description of the voucher used for the payment of the sign language interpreter.

122. Based on a relevant decision, a deaf person shall be issued with an official ID card by means of which this person can exercise his rights under the Act (ZUSZJ, Article 21). The official ID card is an identification card used by a deaf person to prove his right to use the Slovenian sign language (Article 1 of the Rules on the Official ID Card and the Voucher Granting the Right to Use a Slovenian Sign Language Interpreter).

123. A major step forward in ensuring equality of access to information and communication was made with the establishment of the call centre back in 2009 by the Ministry of Labour on the initiative of the Association of the Deaf and Hard of Hearing Clubs Association of Slovenia and the Association of Slovenian Sign Language Interpreters. The call centre enables all deaf and hard-of-hearing persons to communicate and acquire desired information of public interest in the Slovenian sign language. The call centre provides for communication via a video-call facility with a mobile phone or computer, SMS, email or fax.<sup>103</sup>

124. The call centre is available to the deaf on a 24-hour basis throughout the year, which is a significant contribution to raising the quality of life of deaf and hard-of-hearing persons. In June 2010, the number of all registered users was 326. The total number of requests in 2010 was 4,359.

Table 2  
Number of requests by a receiving channel<sup>104</sup>

	2010	2011	2012
SMS	2,068	2,054	1,968
Video call – internet	1,396	772	577
Online conversation	560	759	817
Email	282	301	395
Video-call – UMTS	53	9	3
Fax	0	0	0
<b>Total</b>	<b>4,359</b>	<b>3,895</b>	<b>3,760</b>

Source: Association of Slovenian Sign Language Interpreters.

<sup>102</sup> Uradni list RS, No. 67/03.

<sup>103</sup> Source: Association of the Deaf and Hard-of-Hearing Clubs Association of Slovenia, available at <http://www.zveza-gns.si/klicni-center> (24 February 2012).

<sup>104</sup> Marčič, R., Smolej, S., Kopal Tomc, B. and Dremelj, P. (2012). *Report on the Implementation of the Action Programme for Persons with Disabilities 2007–2013 in 2011*. final report. Ljubljana: IRSSV.

125. Examples of good practice regarding accessibility of information and communication in 2009 are as follows: introduction of simultaneous interpretation in the Slovenian sign language of *TV Dnevnik*, the RTV Slovenia daily news show on Channel 3; in 2009 and 2010, RTV Slovenia broadcast 20 shows (40 in total) of the programme *Let Us Listen to the Silence*, prepared by the Deaf and Hard of Hearing Clubs Association of Slovenia. These dealt with the problems of the deaf and hard-of-hearing and were aimed at raising general public awareness of the special needs of deaf and hard-of-hearing persons. They were co-financed by the Ministry of Culture.<sup>105</sup>

## **Article 21 – Freedom of expression and opinion and access to information**

126. Freedom of expression and opinion and access to information are guaranteed by the Constitution, which stipulates in Article 39 that the right to freedom of expression of thought, freedom of speech and public appearance, the press, and other forms of public communication and expression shall be guaranteed.

127. Relevant legislation in this area also includes the following:

- Article 72, Paragraph 4, of the Medicinal Products Act (ZZdr-1),<sup>106</sup> providing that the name of a medicinal product on the packaging must be indicated in Braille. Medicinal products which obtained marketing authorisation prior to the entry into force of this Act must also be indicated in Braille; readability, clarity and comprehensiveness of related texts were subject to verification by no later than 8 April 2011;
- The Rules on Labelling and Instructions for Use,<sup>107</sup> stipulating that the marketing authorisation holder is to ensure that instructions for use, on request by the patients' organisations, are also available in a form appropriate for the blind and partially sighted;
- The ZUSZJ.

128. Another major step taken in the field of freedom of expression and opinion and access to information is the Government Office for Communications decision which, at the initiative of the Association of Slovenian Sign Language Interpreters and the Association of the Deaf and Hard-of-Hearing of Slovenia, decided that press conferences following Government sessions should also be available in sign language.

129. Similarly, RTV Slovenia in the election broadcasts concerning parliamentary elections (from 15 November to 2 December 2011), provided interpretation of broadcasts in the Slovenian sign language. The shows were interpreted in the Slovenian sign language and broadcast on TV SLO Channel 3. In addition, RTV Slovenia, as part of its annual programme plan, provides for the production of broadcasts intended for the blind, deaf and deaf-mute in techniques adapted to their needs.

130. In 2010, the Ministry of Public Administration (MJU) carried out the following activities in the field of e-government: introduction of a "speaker" on the e-government portal in the area of e-democracy, allowing the content published on the portal also to be

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<sup>105</sup> Marčič, R., Smolej, S., Kobal Tomc, B, and Dremelj, P. (2011). *Interim Evaluation of the Action Programme for Persons with Disabilities 2007–2013: Final Report*. Ljubljana: IRSSV.

<sup>106</sup> *Uradni list RS*, Nos. 31/06, 45/08 and 17/14 – ZZdr-2 (Medicinal Products Act, ZZdr-2, *Uradni list RS*, No. 17/14).

<sup>107</sup> *Uradni list RS*, Nos. 54/06, 21/12.

listened to, and appropriate adaptation of national e-government portal web pages with a view to facilitating access to people with special needs at rate A allowing on-line viewing of texts with additional description of web links, pictures, graphic characters, sub-page titles, etc. The project was financed from ESF funds within e-government operation.

131. The Ministry of Culture, based on the Media Act (*Uradni list RS*, No. 110/06 – official consolidated text), annually carries out a public tender for the selection and co-financing of cultural projects aimed at disseminating programmes for persons with sensory impairments in adapted techniques and at developing technical infrastructure for persons with sensory impairments. This involves co-financing of a telecast dedicated to such group of people with disabilities, the Web TV for the deaf and hard-of-hearing, adapting and publishing books in Braille and audio books, and adaptation and publication of books in the Slovenian sign language.

132. As regards accessibility of information via adapted techniques, the Ministry of Public Administration in 2008 fully adapted the national e-government portal to W3C WCAG 2.0 EU instructions following the study on e-accessibility of government websites prepared by the European Public Administration Network of institutions (EPAN) and the United Kingdom during its 2005 EU Council Presidency, in which it was shown that only 3 per cent of the Member States complied with the criteria required for website accessibility following the W3C WAI rate.<sup>108</sup>

## Article 22 – Respect for privacy

133. In the Republic of Slovenia, protection of personal and health-related data has been regulated in a number of documents. The protection of personal data has been guaranteed by Article 38 of the Constitution. And this area is regulated in more detail by the following legal acts: the Personal Data Protection Act (*ZVOP-1*),<sup>109</sup> the Electronic Communications Act (*ZEKom*), the Criminal Code (*KZ-1*), the Code of Obligations (*OZ*),<sup>110</sup> the Civil Procedure Act (*ZPP-UPB-1*),<sup>111</sup> the Patients' Rights Act (*ZPacP*),<sup>112</sup> and the Vocational Rehabilitation and Employment of Disabled Persons Act (*ZZRZI*).

134. Implementation of Article 22 of the Convention is effected with consideration given to relevant EU legislation (Directive 95/46/EC of the European Parliament and the EU Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data and Directive 2002/58/EC of the European Parliament and of the Council concerning the processing of personal data and the protection of privacy in the electronic communications sector (the Directive on Privacy and Electronic Communications)) and international treaties (the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the European Convention for the Protection of Human rights and Fundamental Freedoms, and the Council of Europe Convention on the Protection of Individuals with Regard to Automatic Processing of Personal Data).

<sup>108</sup> Marčič, R., Smolej, S., Kobal Tomc, B. and Dremelj, P. (2011). *Interim Evaluation of the Action Programme for Persons with Disabilities 2007–2013: Final Report*. Ljubljana: IRSSV.

<sup>109</sup> *Uradni list RS*, No. 94/04 – official consolidated text.

<sup>110</sup> *Uradni list RS*, No. 97/04 – official consolidated text.

<sup>111</sup> *Uradni list RS*, Nos. 73/07 – official consolidated text, 45/08 – ZArbit, 45/08, 57/09 – Constitutional Court Decision, 12/10 – Constitutional Court Decision, 50/10 – Constitutional Court Decision, 107/10 – Constitutional Court Decision, 75/12 – Constitutional Court Decision, 40/13 – Constitutional Court Decision, and 10/14 – Constitutional Court Decision.

<sup>112</sup> *Uradni list RS*, No. 15/08.

135. In the Slovenian legal order, respect for the privacy of persons with disabilities has been provided for to the same extent as for other persons. Articles 35 to 38 of the Constitution, which provide for the protection of privacy and personality rights, inviolability of the home, protection of confidentiality of correspondence and other means of communication (communication privacy) and the protection of personal data, neither highlight nor exempt any group of individuals; this means that they apply to persons with disabilities to the same extent as to other people.

136. The Personal Data Protection Act (ZVOP-1) sets out the rights, obligations, principles and measures to prevent unconstitutional, illegal or unjustified interference with the privacy and dignity of all individuals (therefore including the disabled) when processing personal data. In addition, legal protection against attacks on the privacy and dignity of individuals in the Republic of Slovenia has been provided for by the KZ-1.

137. The ZPacP lays down the rights of every patient as a user of healthcare services with respect to all providers thereof. The Act expressly provides for the prohibition of discrimination in healthcare treatment on the grounds of disability (Article 7). The Act also pays special attention to the protection of personal data and the protection of professional secrecy. This ensures that the patient's personal data and sensitive information held by medical staff may be disclosed only to persons so designated by the Act or to persons designated by the patient himself.

### **Article 23 – Respect for home and the family**

138. The Constitution and the Marriage and Family Relationships Act (ZZDR) provide that two people of different sexes may enter into marriage before an empowered national authority. Marriage may not be concluded by persons who are seriously mentally handicapped or mentally incompetent (ZZZDR, Article 19).

139. Spouses shall freely decide on the birth of children and shall have the same rights and obligations to their children. Children born out of wedlock shall have the same rights as children born within it.

140. The ZZZDR also lays down the conditions for adoption, the relationships arising from adoption and adoption proceedings. Article 137 of the Act defines those able to adopt as having to be of age and at least eighteen years older than the adoptee. In exceptional cases, a social work centre, having examined all the circumstances of the case and convinced itself that such an adoption would be in the adoptee's interests, may also allow adoption to an adopter who is not eighteen years older than the adoptee.

141. A married couple may only adopt a child together, unless one of them is adopting the child of their spouse (ZZZDR, Article 138).

142. An adopter may not be a person whose parental rights have been withdrawn; a person of whom suspicion exists that he might abuse the adoptee; a person who does not guarantee that he would exercise his parental right in the best interests of the child; or a person whose business competence has been removed, or who is so mentally handicapped or ill that this might bring the adoptee's health or life into danger (ZZZDR, Article 139).

143. Foster care is a special form of care and upbringing for children placed in foster homes; it is intended for children who temporarily, for a shorter or longer period of time, cannot live in their birth family. It is governed by the Foster Care Act (ZIRD)<sup>113</sup> and the

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<sup>113</sup> *Uradni list RS*, Nos. 110/02, 56/06 – Constitutional Court Decision, 114/06 – ZUTPG, 96/12 – ZPIZ-2, and 109/12.

Rules on the Conditions and Procedures for the Implementation of the Foster Care Act.<sup>114</sup> Article 6 of the Act lays down that a foster parent cannot be a person whose parental rights have been withdrawn, a person living together with a person deprived of parental rights or a person deprived of the capacity to contract.

Table 3

**Number of children with special needs<sup>1</sup> placed in foster families**

	2009	2010	2011	2012
Children with special needs	131	122	124	114
Other children	1,031	1,015	966	927
<b>Total</b>	<b>1,162</b>	<b>1,137</b>	<b>1,090</b>	<b>1,041</b>
Percentage of children with special needs in relation to the total number of children placed in foster care	11.3	10.7	11.4	10.9

<sup>1</sup> Children with moderate, severe or serious mental development disorder; physically handicapped children; the blind and partially sighted; deaf and hard-of-hearing children.

Note: In addition to children, the above data also take into account persons over 18 years of age who, due to physical or mental development disorder, are not able to live and work independently, and for whom the responsible social work centre extended their foster care contract after 18 years of age (pursuant to Article 46 of the Foster Care Act); at the end of December 2011, the number of such persons was 45 (persons with moderate, severe or serious mental development disorder).

144. The social work centres, within the public social services framework, carry out the service of assisting the family, which under the ZSV (the Social Security Act) includes domestic help for families, family counselling assistance and social service (the content of services is defined in Article 18).

145. The ZDVDTP governs the social security forms of moderately to more severely or severely mentally and physically handicapped persons who are incapable of qualifying for independent life and work (hereinafter persons with disabilities) where it has been established that the disability appeared in the period of childhood or adolescence prior to reaching 18 years of age or during regular schooling but not after 26 years of age (Article 1).

146. Forms of social protection under this Act are as follows: care provided by general or specific social institutions (day care, occasional care with accommodation and care in an institution, and permanent residential care with accommodation and care in an institution); care in a family other than the birth family; and disability allowance and care and attendance allowance (Articles 3 and 4).

147. Day care is provided to persons with disabilities living in their own family or in a family other than their own. Occasional care and accommodation in an institution shall, if necessary, be provided to persons with disabilities living in their own family or in a family other than their own. Permanent care and accommodation in an institution shall be provided to the following: persons with disabilities who, depending on the nature and degree of disability, require constant care in an institution, and persons with disabilities who do not have a family or cannot live in their own family and/or cannot be provided with care in another family (Article 4). Care in another family is provided to persons with disabilities who do not have a family or cannot live in their own family and who with regard to the nature and degree of their disability do not require constant care in an institution (Article 5).

<sup>114</sup> *Uradni list RS*, No. 54/03,78/08, 109/12 – ZIRD-A, and 18/2013.

148. In the field of mental health, the social work centres, at the end of 2010, recruited community-based mental health treatment coordinators. Coordinators are qualified professionals whose task is to provide assistance to persons who are no longer in need of treatment in a psychiatric hospital or supervised treatment, but need support in psychosocial rehabilitation, daily activities, arranging living conditions and inclusion in daily life based on a plan of treatment. All tasks are focused on finding appropriate solutions with a view to ensuring the earliest possible return to their home environment.<sup>115</sup>

149. The MDDSZ designates the representative of the rights of persons in the field of mental health. This person protects the rights, interests and benefits of the person concerned.

150. In the field of healthcare, persons with disabilities under Article 27 of the Rules on Compulsory Health Insurance,<sup>116</sup> in addition to the rights held by all insured persons, are entitled to the following preventive services which the insured persons claim with the basic activity providers:

- 8 community nursing care visits to families with an infant aged up to one year, two additional nursing care visits to infants aged up to 12 months of blind mothers with disability, and one visit to children of 2 and 3 years of age, respectively;
- 2 nursing care visits per year for blind and visually impaired children with additional disabilities, aged between 7 and 25 years, who are in home care and do not attend school;
- 2 nursing care visits per year for chronically ill and severely disabled persons who are lonely and socially disadvantaged and for (insured) persons with developmental disorders aged 25 years and over.

151. Freedom of choice regarding the birth of children is regulated by the Health Measures in Exercising Freedom of Choice in Childbearing Act. For persons with disabilities, no special provisions have been foreseen.

152. Article 10 of the TDZdr lays down that a mental disorder of a person does not in itself constitute a justifiable medical reason to perform sterilisation or therapeutic abortion.

## **Article 24 – Education**

153. The Constitution complies with the international obligations through the provision that the state shall create the opportunities for its citizens to obtain a proper education (Article 57). It further provides that primary education shall be financed from public funds. Under Article 52 of the Constitution, physically or mentally handicapped children and other severely disabled persons have the right to education and training for an active life in society.

154. Inclusion of children with special needs in early treatment, and the compulsory primary, secondary and higher education are defined in the laws relating to the field of education at all levels. Children with special needs are defined as children with mental development disorders, blind and partially sighted children, deaf and hard-of-hearing children, children with speech impairments, children with physical disabilities, chronically ill children, children with autistic disorders and children with behavioural disorders and

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<sup>115</sup> Source: MDDSZ, available at: [http://www.mddsz.gov.si/si/delovna\\_podrocja/sociala/dusevno\\_zdravje/koordinator\\_obravnav\\_v\\_skupnosti/](http://www.mddsz.gov.si/si/delovna_podrocja/sociala/dusevno_zdravje/koordinator_obravnav_v_skupnosti/) (27 October 2011).

<sup>116</sup> *Uradni list RS*, Nos. 30/03 – official consolidated text (35/03 – as amended), 78/03, 84/04, 44/05, 86/06 (90/06 – as amended), 64/07, 33/08, 7/09, and 88/09.

personalities who need special educational programmes with additional professional assistance or special educational programmes and/or a special education programme.

155. Article 11 of the ZIMI provides that inclusion in education at all levels and participation in lifelong learning in their living environment shall be provided to persons with disabilities on an equal basis with others. Inclusion in various programmes, such as programmes offering special and adapted curricula, and adaptation of regular programmes to the abilities of persons with disabilities shall not be deemed as discriminatory. Persons with disabilities shall be entitled to appropriate adaptations when included in educational or study processes and to the right to have educational or study process appropriately adapted to their individual needs.

156. Principles, procedures and conditions of including children with special needs in the education process are laid down in the Placement of Children with Special Needs Act (ZUOPP), which complements all the previously mentioned acts. The ZUOPP primarily governs guidance to a variety of educational programmes and the possibility of switching between programmes; it stipulates the preparation of an individualised programme for each child in accordance with the programme in which the child is placed; it regulates adjustments regarding organisation, methods of verification and assessment of knowledge, progress and timing of lessons, and provides for additional professional assistance; it introduces development process guidance, and facilitates a more active role of parents and educational institutions in the process of guidance; and it opens up the possibility for primary education of children with special needs to be held at home and for its inclusion in the private institutions on the basis of a decision on guidance bringing the organisation of education of children with special needs closer to the solutions known in the developed European countries; it does not, however, provide for full integration, since such a solution has proved inadequate also elsewhere. In addition, the Act also provides for some support measures, such as free transportation to and from school and an attendant to provide physical assistance during classes.

157. Children and adolescents with special needs, in accordance with the ZUOPP, have the possibility of participation in a variety of educational programmes:

- The programme for preschool children with adapted methodology and additional professional assistance;
- Educational programmes (primary and secondary) with adapted methodology and additional professional assistance (inclusion);
- Adapted educational programmes with an equal standard of knowledge;
- Adapted programmes with a lower standard of knowledge;
- The special educational programme;
- The programme for children and adolescents with emotional and behavioural disorders;
- The hall of residence education programme for students with special needs.

158. The above-mentioned programmes are carried out by:

- Regular schools and kindergartens;
- Independent schools with adapted educational programmes;
- Schools containing departments with adapted educational programmes;
- Educational institutions for children with special needs; and
- Social care institutions.

159. The ZUOP allows for switching between programmes. As regards certain subjects or subject areas from adapted programmes, children and adolescents may occasionally or permanently be included in regular curricula. Children included in the special programme may occasionally attend adapted programmes.

160. Following the completion of primary school education, students with special needs, subject to the fulfilment of general enrolment criteria, may enrol in any educational curriculum (at all levels of secondary education) organised by any regular secondary school. For these students, programmes are implemented by way of adapted methodology (adapted organisation of lessons, method of knowledge checking and assessment, advancement criteria and timetable); depending on their needs, they may be entitled to additional professional assistance provided by professionals – teachers at school or special pedagogues.

161. Education programmes with adapted methodology for adolescents with special needs are carried out in regular secondary schools, while adapted education programmes with equivalent educational standards are carried out in institutions for the education of children with special needs.

162. All secondary school students with special needs have the right and the possibility to take their final exams or *matura* (baccalaureate) in a manner adapted to their needs. All secondary education programmes adapted for the deaf and hard-of-hearing and students with speech and language impairments require that teachers of all school subjects, in addition to meeting other criteria, have knowledge of the Slovenian sign language; this means that they must have a certificate for a language sign interpreter, which currently is the only defined standard of knowledge of the Slovenian sign language. All secondary school students, who are about to conclude their education (either a general baccalaureate – high school/vocational baccalaureate – secondary technical education or the final exam – middle and lower vocational education programmes), provided that their usual language of communication is Slovenian sign language (decision on guidance), in these exams are entitled to the assistance by an interpreter, which has been daily practice.

163. In the 2007/08 school year, the MŠŠ, in cooperation with the National Education Institute, continued with the introduction of new ideas (creation and operation of departments for pre-school children with special needs, including autistic developmental disorders) in pre-school sections of the institutions for the hearing impaired, which include children with autistic developmental spectrum disorder. The introduction of new ideas went on until September 2009; during experiment, intensive teacher training was organised in this area of deficits. Relevant instructions for work with this group of children have been prepared within the working group.

Table 4

**Number of pre-school, primary and secondary school children with special needs (CSN) in various forms of education in the school years from 2006/07 to 2011/12**

	<i>Number of pupils per school year</i>					
	<i>2006/07</i>	<i>2007/08</i>	<i>2008/09</i>	<i>2009/10</i>	<i>2010/11</i>	<i>2011/12</i>
<b>Pre-school children</b>						
Total number of children in kindergartens	57,127	61,359	65,996	71,124	75,972	81,221
CSN in a programme for pre-school children with adapted methodology and additional professional assistance	523	474	545	639	755	853

	Number of pupils per school year					
	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12
CSN in an adapted programme for blind, deaf and physically impaired children (institutions)	68	60	50	55	56	48
CSN in an adapted programme (kindergarten development units)	236	162	251	218	207	230
<b>Primary education</b>						
School children included in compulsory education – overall	167,951	165,910	164,567	162,902	162,350	162,544
CSN in primary schools	5,497	5,909	6,492	7,275	7,862	8,641
CSN in primary schools with an adapted programme	2,275	2,177	2,226	2,231	2,244	2,377
CSN in other educational institutions	742	722	706	690	688	594
<b>Secondary education</b>						
CSN in lower vocational education programmes	340	270	250	306	272	236
CSN in secondary vocational education programmes	562	581	859	1022	1,218	1,349
CSN in secondary technical education programmes	285	321	443	638	763	954
CSN in high school education programmes	198	209	270	395	379	458
CSN in vocational technical education programmes	59	58	83	120	144	160
CSN in vocational and technical education adapted programmes	321	302	294	304	293	283

Source: MŠŠ,<sup>117</sup> SURS,<sup>118</sup> Globačnik, B.<sup>119</sup> and Opara, B. et al. (2010).<sup>120</sup>

164. Data show that the Republic of Slovenia is comparable to most other EU Member States in terms of the percentage of children with special needs — at 4 per cent to 6 per cent of the school-age population — and that society's recognition and sensitivity with respect to individual impairments is on the increase.<sup>121</sup>

165. In higher education, there are no restrictions on or discriminatory treatment of people with disabilities: they enjoy the same rights and possibilities of access to higher education, including lifelong learning. Relevant regulations, measures and certain adjustments have created an environment necessary for the exercise of rights and the provision of equal access to the process of education for people with disabilities.

<sup>117</sup> MŠŠ reports on implementation of API for 2007–2012.

<sup>118</sup> Source: SURS, available at: [http://pxweb.stat.si/pxweb/Dialog/varval.asp?ma=0952504S&ti=&path=../Database/Dem\\_soc/09\\_izobrazevanje/03\\_predsol\\_vzgoja/01\\_09525\\_otroci\\_vrtci/&lang=2](http://pxweb.stat.si/pxweb/Dialog/varval.asp?ma=0952504S&ti=&path=../Database/Dem_soc/09_izobrazevanje/03_predsol_vzgoja/01_09525_otroci_vrtci/&lang=2) (15 February 2012).

<sup>119</sup> Globačnik, B. (MŠŠ) via e-mail, 20 February 2012.

<sup>120</sup> Opara, B. et al. (2010). *Education Analysis of Children with Special Needs in Slovenia*. Ljubljana: Pedagoški inštitut (Institute of Pedagogy).

<sup>121</sup> MŠŠ reports on implementation of API for 2007–2011.

166. The umbrella law in the field of higher education — the Higher Education Act (ZVis)<sup>122</sup> — does not specifically highlight or regulate the subject issues, but it does contain a provision under which a student's health conditions are to be taken into account in deciding on the provision of subsidised accommodation. More detailed provisions on student accommodation are contained in the rules and tenders issued by the halls of residence. The latter have provided for specially adapted rooms for students with disabilities.

167. According to guidelines on minimum technical requirements for constructing and equipping student halls and other premises for students' residence, 2 per cent of beds within students' residence facilities should be provided for persons with functional impairments and for student families. Student halls which have been built and opened in recent years contain specially adapted living spaces<sup>123</sup> for more than 40 persons with disabilities, including the possibility for their assistants to live in the rooms with them.

168. The Decree Amending the Decree on Budgetary Financing of Higher Education and Other Institutions from 2004 to 2009<sup>124</sup> provided the basis for financing additional costs of goods and services relating to the performance of study activities of students with special needs (e.g. for interpreters of Slovenian sign language).

169. The University of Maribor and the University of Ljubljana have also launched a system of tutors: these are students who assist students with disabilities in the fulfilment of their study obligations, for which they are given certain bonuses in the form, for example, of a reduced number of compulsory presence hours. Faculties employ staff responsible for people with disabilities; students with disabilities enjoy a special status and are kept separately from other students with special needs as regards their register, but also otherwise (athletes, parents, etc.).

170. Under Article 20 of the Scholarship Act (ZŠtip-1)<sup>125</sup> and 13 of the Rules on Granting State Scholarships<sup>126</sup> determining the amount and the criteria for scholarship allowance for scholarship holders with special needs, the latter are granted scholarship allowance in the amount of approximately €50.

171. Access to schools and materials is described in the report on Article 9 of the Convention on the Rights of Persons with Disabilities and in the education-related documents mentioned above.

## Article 25 – Health

172. Compulsory health insurance in Slovenia is governed by the ZZVZZ, according to which all persons residing in the country and having Slovenian citizenship and all persons engaged in gainful activity in the territory of the Republic of Slovenia are subject to mandatory health insurance. Registration of unemployed citizens in the compulsory health insurance is done via an application by the municipality or the Employment Service. The Act provides for a system of social, group and individual factors, measures and services for promoting health, disease prevention, early detection of disease, timely treatment, and care and rehabilitation of sick and injured persons and ensures social security in cases of illness,

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<sup>122</sup> *Uradni list RS*, Nos. 32/12 – official consolidated text, 40/12 – ZUJF, 57/12 – ZPCP-2D, and 109/12.

<sup>123</sup> Marčič, R., Smolej, S., Kobal Tomc, B. and Dremelj, P. (2011). *Interim Evaluation of the Action Programme for Persons with Disabilities 2007–2013: Final Report*. Ljubljana: IRSSV.

<sup>124</sup> *Uradni list RS*, Nos. 110/09, 88/10.

<sup>125</sup> *Uradni list RS*, Nos. 56/13 and 99/13 – ZUPJS-C.

<sup>126</sup> *Uradni list RS*, Nos. 51/08, 40/09 – ZŠtip-A, and 45/09.

injury or death. The Act sets out the scope and type of rights arising from the compulsory health insurance; these are defined in more detail in the Rules on Compulsory Health Insurance.

173. Compulsory health insurance gives insured persons the right to the payment of health services, including medicinal products and mechanical and technical devices, and to cash benefits, i.e. wage compensation during temporary absence from work, funeral and death grant, and reimbursement of travel expenses related to the use of health services. Compulsory health insurance within the context of the right to the payment of healthcare services also provides for the right to comprehensive preventive healthcare for women, i.e. reproductive healthcare, prevention programmes for the early detection of cancer and prevention of cardiovascular diseases. The reproductive healthcare includes medical examinations and counselling on family planning, regular preventive checks during pregnancy, preventive gynaecological checks regarding the use of contraceptives, checks after childbirth, and nursing care preventive activities. These programmes are intended for all women when they reach a certain age, and are free of charge.

174. Persons with disabilities exercise their healthcare rights under the same conditions and according to the procedure applicable to other citizens.

175. In its definition of the right to be paid medical services, the ZZVZZ specifically deals with certain groups of insured persons with disabilities, who in addition to general health service rights enjoy certain other advantages. Such persons are provided with full payment without extra costs for all services used in treatment and rehabilitation of, for example, muscle and neuromuscular diseases, paraplegia, tetraplegia, cerebral palsy, developed forms of diabetes mellitus and multiple sclerosis. Relevant amendments to the Act from 2008 extended entitlement to the right to full payment of health services on to the comprehensive treatment, including therapy and rehabilitation for blindness and visual impairment in accordance with the valid World Health Organization (WHO) classification, for total or severe hearing loss according to the WHO's International Classification of Impairments, Disabilities and Handicaps (1980), and for cystic fibrosis and autism and persons after accident-related head and brain injuries. The Act specifically states that persons with disabilities (and others) who have been granted assistance by another person in performing most or all life functions, people with disabilities with at least 70 per cent physical impairment under the Pension and Disability Insurance regulations, and persons residing in the Republic of Slovenia receiving compensation under the ZDVTDP shall be provided emergency treatment without extra cost, even if they are not covered by relevant voluntary insurance. Military and civilian persons with disabilities (war-disabled) are provided with full payment for health services where the amount exceeding the compulsory insurance level is covered from the Republic of Slovenia budget.

176. In 2009, in the context of systemic regulation of assistive devices, the Medical Devices Act (ZMedpri)<sup>127</sup> was adopted to ensure access to medical devices meeting the quality standards in place in the European market and to prevent access to products not meeting the requirements on safety, performance and quality.

177. The insured persons were included in the expansion of programmes of treatment and new therapies for which, based on the General agreement for the contract year,<sup>128</sup>

<sup>127</sup> *Uradni list RS*, No. 98/09.

<sup>128</sup> Every year, pursuant to Article 63 of the ZZVZZ, the Ministry of Health, the Health Insurance Institute of Slovenia, the Association of Health Institutions of Slovenia, the Medical Chamber of Slovenia, the Slovenian Chamber of Pharmacy, the Slovenian Spas Association, the Association of Social Institutes of Slovenia, and the Association of Slovenian Training Organisations for Persons with Special Needs (SOUS) adopt a General Agreement for the contract year.

€41,3 million in 2007, €52,039 million in 2008, €6,218 million in 2009 and €17,444 million in 2010 were earmarked respectively. Out of these, funds amounting to €14,29 million in 2007 and to €16,06 million in 2008 were earmarked for health programmes for people with disabilities (nursing care, speech therapy, defectology and auditory hearing services) in the social care institutions for training, training institutions, home care in connection with occupational activity centres, hearing and speech aid centres, institutions for the physically handicapped, institutions for rehabilitation following head injuries, education institutions for children and adolescents with developmental disorders, and a counselling centre (contractors within the SOUS).

178. In order to provide for equality of access, sign language courses have been organised for medical students, who are joined by doctors and students of other study disciplines. Despite a deaf person's right to be accompanied by an interpreter during medical examination, the patient-doctor relationship remains more personal if a doctor masters at least basic communication gestures.

179. In 2008, the ZDZdr was adopted; this governs the protection of the rights of persons with mental disorders. Many people with mental health problems obtained the status of a person with disabilities; as a result, mental disorders are among the main reasons for disability retirement. The Act contains a legal basis for the adoption of special National Mental Health Programme and is expected to define for a period of at least five years the development goals and needs in the field of prevention, psychiatric treatment, comprehensive social security treatment, controlled treatment and treatment within the community.

180. The commitments under the Convention on the Rights of Persons with Disabilities, *inter alia*, are enshrined in the Resolution on the National Health Care Plan 2008-2013,<sup>129</sup> which is based on the ZZVZZ and follows the guidelines of the European health strategy (EU Health Strategy "Together for Health" 2008-2013)<sup>130</sup> adopted by the European Council in 2007. The plan focuses on health promotion and prevention, while also respecting the importance of rehabilitation and reintegration of already sick in the work environment, family, and broader society.

181. The health measures, which include people with disabilities, are also contained in the Strategy of National Health-Enhancing Physical Activity in Slovenia 2007-2012<sup>131</sup> and the API 2007-2013. Some of them are aimed at, for example, ensuring improved access to health programmes and services, considering the special needs of women with disabilities, providing early detection and comprehensive early treatment of children with special needs and their families, and providing comprehensive rehabilitation services for the blind and visually impaired, the deaf and hard-of-hearing and deaf and blind adults.

## **Article 26 – Habilitation and rehabilitation**

182. The scope of habilitation and rehabilitation of persons with disabilities in the areas of health, employment and social affairs in the Republic of Slovenia is regulated, in particular, by the following acts:

- The ZZVZZ, which regulates the system of healthcare and health insurance in the Republic of Slovenia. Healthcare under this Act includes a system of social, group

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<sup>129</sup> *Uradni list RS*, No. 72/08.

<sup>130</sup> Available at: <http://register.consilium.europa.eu/pdf/sl/07/st14/st14689.sl07.pdf> (22 March 2012).

<sup>131</sup> The National Health-Enhancing Physical Activity Strategy 2007–2012 (adopted at the 112th Republic of Slovenia Government session on 7 March 2007).

and individual activities, actions and services for health promotion, disease prevention, early detection, timely treatment, and care and rehabilitation of the sick and injured. The Act also includes the rights arising from health insurance, which provide for social security protection in the event of illness, injury, childbirth or death;

- The rules of compulsory health insurance, which, among other things, regulate in more detail the nature and scope of the rights, conditions and procedures for exercising the rights, and standards of healthcare services and assistive devices, provide the insured with the right to medical rehabilitation, spa treatments and rehabilitation, rights of one parent at a time of training for future rehabilitation of the child at home, and impose on the ZZZS the obligation of co-financing the follow-up rehabilitation and organised training for living with a specific disease under specific programmes;
- The ZPIZ-1, which regulates the system of pension and disability insurance in Slovenia; among other things it regulates the right to vocational rehabilitation;
- The ZZRZI, which regulates the right to vocational rehabilitation and certain employment-related issues of persons with disabilities. In addition, this Act lays down other forms, measures and incentives regarding the employment of persons with disabilities and the method of financing this. The purpose of the Act is to improve the employability of persons with disabilities and to establish conditions for their equivalent participation in the labour market by eliminating barriers and creating equal opportunities;
- The ZSV, which governs the guidance, care and employment under specific conditions. In terms of rehabilitation, particular importance is given to employment under special conditions, this comprising forms of work which enable those affected to preserve their acquired knowledge and the development of new skills.

183. Among comprehensive rehabilitation providers, mention should be made of the Soča University Rehabilitation Institute (URI – Soča), which is the central institution in this area. URI – Soča primarily provides medical rehabilitation, including various events, programmes, therapy, education courses, research and devising relevant doctrine, introduction of innovations and new knowledge in the field of physical and rehabilitation medicine, training and employment of people with disabilities.

184. An important part of the medical rehabilitation of persons with disabilities is follow-up rehabilitation. Annually, the ZZZS co-finances participation of insured persons or persons with certain illnesses or handicaps in group rehabilitation adapted to their needs under the guidance of a suitable clinic, institute or other healthcare institution. Participants included in follow-up rehabilitation, mainly people with disabilities, are provided co-financing of physiotherapy and accommodation costs. The amount of funds for co-financing the group follow-up rehabilitation is fixed every year in the ZZZS (Health Insurance Institute) financial plan, adopted at the ZZZS General Assembly Meeting. In 2010, group follow-up rehabilitation included 3,134 insured persons.<sup>132</sup>

Table 5

**Funds earmarked for co-financing group follow-up rehabilitation**

	2007	2008	2009	2010	2011	2012
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<sup>132</sup> Smolej, S., Marčič, R., Boljka, U., Kobal Tomc, B. and Nagode, M. (2011). *Survey on the Rights of Persons with Disabilities Provided by the State and their Implementation*. Ljubljana: IRSSV.

	2007	2008	2009	2010	2011	2012
Co-financing the group follow-up rehabilitation	€ 2,937,106	€ 3,072,500	€ 3,311,000	€ 3,325,000	€ 3,418,823	€ 3,308,079

Note: The group follow-up rehabilitation is co-financed for paraplegics, paralytics, patients with multiple sclerosis, patients with neuromuscular disorders, adults with cerebral palsy, children with cerebral palsy, patients with severe psoriasis, children with juvenile rheumatoid arthritis, diabetes and phenylketonuria, and children with celiac disease.

185. In addition to health-related rehabilitation, other rehabilitation programmes of relevance are:

- Vocational rehabilitation, which constitutes a process or services carried out with the aim of providing adequate training to persons with disabilities in order for them to find, retain and be promoted in employment. Vocational rehabilitation services provide comprehensive training for practical work, with emphasis on autonomy at work, better motivation for work, acquisition and consolidation of work habits, necessity of work, development of new abilities, working skills and building confidence. Persons are referred to vocational rehabilitation services through the Employment Service of Slovenia. In 2010, the Employment Service of Slovenia made 2,034 such referrals<sup>133</sup> (1,945<sup>134</sup> in 2011 and 1,758<sup>135</sup> in 2012);
- Occupational rehabilitation is a process in which an insured person is provided with professional, physical and psychosocial training for another profession or work so that he can be properly employed/assigned a job and reintegrated into the work environment, or is retrained for performing the same profession or work as previously through adequate adjustment of his working post with appropriate working tools. Referrals to occupational rehabilitation services are made by the Institute for Pension and Disability Insurance. In 2010, 145 insured persons took part in occupational rehabilitation and 98 of them successfully completed the programme. That year, the average number of participants included in the occupational rehabilitation was 305;<sup>136</sup>
- Programmes of social inclusion are social programmes designed to support and maintain the working abilities of people with disabilities. The target group of people involved in programmes of social inclusion are persons with disabilities defined in Article 35 of the ZZRZI. In 2010, the social inclusion programmes involved 311 persons with disabilities;<sup>137</sup>
- The service of guidance, care and employment under special conditions is an organised form of care aimed at implementing the basic human rights of adult persons with disabilities and entitling them to services which enable them to actively participate in social life and the working environment in accordance with their abilities. The services are organised and carried out in a manner which enables the users to maintain already acquired and obtain new knowledge and skills, acquire new social and working habits, accomplish their own ideas and fulfil their creativity,

<sup>133</sup> *Ibid.*

<sup>134</sup> Marčič, R., Smolej, S., Kobal Tomc, B. and Dremelj, P. (2012). *Report on the Implementation of the Action Programme for Persons with Disabilities 2007–2013 in 2011.*

<sup>135</sup> Marčič, R., Smolej, S., Kobal Tomc, B. and Dremelj, P. (2013). *Report on the Implementation of the Action Programme for Persons with Disabilities 2007–2013 in 2012.*

<sup>136</sup> Smolej, S., Marčič, R., Boljka, U., Kobal Tomc, B. and Nagode, M. (2011): *Survey on the Rights of Persons with Disabilities Provided by the State and their Implementation.* Ljubljana: IRSSV.

<sup>137</sup> *Ibid.*

and stimulate the feeling of usefulness and self-affirmation. In 2010, the service of guidance, care and employment under special conditions included 3,077 persons (3,198 in 2011).<sup>138</sup>

## Article 27 – Work and employment

186. Prohibition of discrimination on the grounds of disability (and other personal circumstances) is provided in the ZDR Article 6: during the employment relationship and regarding termination of an employment contract, employers are prohibited from putting a job seeker or an employee in an unequal position on the grounds of disability. Similar prohibition is laid down in Article 5 of the ZZRZI. In 2004, the Republic of Slovenia adopted the ZUNEO, which determines common bases and starting points for guaranteeing equal treatment of any person in exercising their rights and obligations and fundamental freedoms in all areas of social life (Article 1). In this regard, the ZUNEO specifically highlights the area of employment and labour relations; among personal circumstances based on which any discrimination shall be prohibited, explicit mention is made of disability.

187. On starting his employment, a person with disabilities enters into an employment contract and remains in the employment relationship with the same rights and obligations as any other worker. Pursuant to Article 7 of the ZDR, there is a general rule that on entering into or terminating an employment contract, and during the employment relationship, both the employer and the worker must observe the provisions of this Act and other acts, binding international treaties, and other regulations, collective agreements and the employer's general acts. The collective agreement may prescribe only rights that are more favourable for the worker than those provided in the Act, except in exceptional circumstances. An individual employment contract may not provide for rights contrary to the provisions of the aforesaid Act or collective agreements, which guarantee the minimum rights, but may only provide for more favourable rights for workers (Articles 7 and 30 of the ZDR). These rules, including provisions on the content and format of an employment contract, its validity, etc. should equally be respected on concluding employment contracts with persons with disabilities.

188. Persons with disabilities enjoy all the rights arising from the regulation of collective employment relationships. They may, for example, claim entitlements based on the freedom of trade unions, including the principle of freedom of affiliation with trade unions; they are subject to the system of collective bargaining and guaranteed the right to strike, and the right to workers' participation in management (workers' participation), including the right to elect workers' representatives and to stand as a representative in the workers' council.

189. Disabled persons enjoy special protection with respect to the termination of employment contracts. Slovenia does not have absolute protection against lay-offs, but relevant protection of persons with disabilities prevails over the general rules in this area. In the ZDR, *inter alia*, disability is expressly stated as an absolutely unjustified reason for ordinary termination of an employment contract (Article 89).

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<sup>138</sup> Source: SURS website. Available at: [http://www.stat.si/novica\\_prikazi.aspx?id=4200](http://www.stat.si/novica_prikazi.aspx?id=4200) and <http://pxweb.stat.si/pxweb/Dialog/Saveshow.asp>.

Table 6  
**Number of persons with disability in the labour market**

<i>Number of employed persons with disabilities</i>	2008	2009	2010	2011	2012
Regular working environment	27,346	26,305	25,323	24,923	23,979
Companies employing the disabled	6,358	5,708	4,841	5,319	5,672
Sheltered employment centres	187	223	235	303	317
Total of all employed persons with disabilities	33,891	32,236	30,399	30,545	29,968
Total of all persons employed in the country	866,710	829,551	809,357	805,723	784,829
Share of employed people with disabilities in relation to the total of employed population	3.91%	3.89%	3.76%	3.79%	3.82%
Number of jobless persons with disabilities	11,025	13,132	14,920	16,873	7,454
Number of persons with disability in the labour market	44,916	45,368	45,319	47,418	37,422
Total number of all unemployed	66,239	96,672	110,021	112,754	118,061
Share of jobless persons with disabilities in relation to the total of all unemployed persons	16.6%	13.6%	13.5%	14.9%	14.7%
Number of employments relating to jobless persons with disabilities	1,776	1,629	1,618	2,107	2,694
Number of proposals for termination of employment contract	572	913	964	712	698

*Sources:* Ministry of Labour, Family and Social Affairs, Employment Service of the Republic of Slovenia, Fund of the Republic of Slovenia for the Promotion of Employment of Persons with Disabilities.

190. A quota system for the employment of disabled persons (ZZRZI, Article 62 *et seq.*) means that employers under prescribed conditions are required to employ at least a certain number of persons with disabilities in relation to the overall number of employees. The Act provides that the Government, on a proposal by the Economic and Social Council, sets through a regulation a relevant quota for the employment of persons with disabilities. The quota differs depending on the employer's economic activity, but may not be below 2 per cent or above 6 per cent of the total number of workers employed. The person obliged to meet the quota is any employer, legal entity or natural person or person of public law employing at least 20 people, except for foreign embassies and consulates, social enterprises, and employment centres. The regulation, *inter alia*, rewards employers of people with disabilities for employments exceeding the prescribed quota.

191. Funds for various employment incentives regarding persons with disabilities are provided by the Fund for the Promotion of Employment of People with Disabilities. This is a public financial fund established by the Government with a view to promoting the employment of disabled persons pursuant to the ZZRZI and to preserving working posts for the disabled (Paragraph 1 of Article 77 of the ZZRZI). The incentives include wage grants for persons with disabilities, payment of costs for the adaptation of working posts, payment of services in supported employment, exemption from payment of pension and disability insurance contributions, bonuses for exceeding the quota, annual rewards to employers for examples of good practice in employing people with disabilities, other incentives in the area of employment and preserving jobs for people with disabilities, and other development-related incentives.

192. Sheltered companies (ZZRZI, Article 52 *et seq.*) have particular importance in ensuring jobs for the disabled. They represent a kind of social economy constituting, in practice, one of the rare employment possibilities for the disabled. Their establishment

reaches back in 1976, when sheltered workshops were set up; these kept on operating until 1988, when they were transformed into sheltered companies.

193. The general system of recruiting unemployed persons with disabilities is contained in the Employment and Insurance against Unemployment Act (ZZZPB)<sup>139</sup> (on 1 January 2011, this Act replaced the Labour Market Regulation Act<sup>140</sup>) – the system was upgraded with additional rights and measures for the employment of persons with disabilities as stipulated in the ZZRZI).

194. The Republic of Slovenia has developed a system of active employment policy (AEP) measures through which the state promotes employment, eliminates disparities in the labour market and reduces barriers to employment, in particular of persons with low employability. Active employment policy measures are implemented by institutions and individuals on the basis of concessions, labour funds and the MDDSZ. Some of these measures are regulated by the Employment and Insurance against Unemployment Act (ZZZPB); in more detail, this area is governed by relevant implementing regulations. AEP measures have been intended primarily for persons with low employability, including the disabled. They encompass, for example, career orientation and assistance with employment, education and training, employment incentives and direct job creation.<sup>141</sup>

195. The purpose of the ZZRZI is to improve the employability of persons with disabilities and to facilitate their equal participation in the labour market by eliminating barriers and creating equal opportunities (Article 2). In Article 5, the Act prohibits direct and indirect discrimination against persons with disabilities throughout the period of their employment, in connection with the termination of employment and in the proceedings under this Act.

196. The ZZRZI has introduced the right of disabled persons to vocational rehabilitation which consists of services aimed at providing the disabled persons with training for suitable work, obtaining employment, keeping employment, and advancing or modifying their professional careers.

197. Obtaining the status of a disabled person under the ZZRZI is governed by Article 10, while Article 11 sets out the criteria for obtaining such status, i.e. establishment of the lasting effects of a physical or mental disability or disease and difficulties in activities affecting employability, and barriers to integration in the work environment. Recognition of disability status is subject to a decision by the Employment Service of Slovenia. The latter, upon completion of the vocational rehabilitation process, produces an assessment of the disabled person's abilities (Article 33 of the ZZRZI). The assessment must primarily establish whether a disabled person can be employed in an ordinary working environment or in a supported or sheltered employment, the work for which he is qualified, and the kind of support services or adjustments he may need in the workplace. Based on such assessment, the disabled person will be provided with assistance by the Employment Service in seeking employment at appropriate work posts in the ordinary working environment, in sheltered companies, supported or sheltered employment.

198. Where, despite rehabilitation, workplace adjustments and working environment, a disabled person is unable to achieve work results at the level of at least one-third of the

<sup>139</sup> *Uradni list RS*, Nos. 107/06 – official consolidated text, 114/06 – ZUTPG, 59/07 – ZŠtip, 51/10 – Constitutional Court Decision, and 80/10 – ZUTD.

<sup>140</sup> *Uradni list RS*, Nos. 80/10, 40/12 – ZUJF, 21/13, 63/13 – ZIUPTDSV, and 63/13.

<sup>141</sup> Kresal, B. (2007). "Employment and Work", In B. Kresal *et al.* (eds.): *Guidebook on the Rights of People with Disabilities in Slovenian Legislation*, pp. 27–44. Ljubljana: Labour Institute of the Faculty of Law.

efficiency of an employee at the normal workplace, such a person should be considered as not employable due to disability (ZZRZI, Article 33, Paragraph 2). In cases where the disabled person's non-employability is based on a decision, the ZZRZI provides for the inclusion of the disabled person in social inclusion programmes. These are aimed at supporting and maintaining the working abilities of people with disabilities.

199. For employable persons with disabilities, the ZZRZI provides for different types of employment: employment in an ordinary working environment, employment in sheltered companies, supported employment and protected employment in employment centres.

200. Protected employment (ZZRZI, Article 41 *et seq.*) is employment of persons with disabilities in protected workplaces adapted to the working abilities and needs of disabled persons who are employable at ordinary work places. Carrying out work at home may also be defined in terms of a protected workplace. Persons with disabilities in protected employment have the right to wage subsidies. Employment centres provide jobs for protected employment. An employment centre is a legal entity established with a view to employing people with disabilities only in protected workplaces. Details regarding employment centres are governed by the Rules on Employment Centres.<sup>142</sup>

201. Supported employment (ZZRZI, Article 48 *et seq.*) is employment of a disabled person in a work place in an ordinary working environment with the provision of expert and technical support to that person, the employer and the working environment. Expert support includes: information, advice and training, personal assistance, monitoring at work, development of personal work methods and evaluating the disabled person's performance. Technical support comprises adaptation of work places and means of work to the needs of disabled persons. In addition, expert support with information and advice is provided to the employer and work environment. As a rule, persons with disabilities conclude employment contracts with the employer and are entitled to wage subsidies.<sup>143</sup>

202. The right to occupational rehabilitation, compensation for the period of occupational rehabilitation and temporary compensation are governed by ZPIZ-1 provisions. Occupational rehabilitation within the Pension and Disability Insurance Institute is intended for employed persons who in the course of employment suffer an illness or injury (with illness or injury impeding their further work or having potential impact on job retention). This is a complex process in which a person with disability undergoes professional, physical and psychosocial training in order to obtain appropriate employment or to be re-integrated in the work environment. Occupational rehabilitation also includes retraining for the performance of the same profession or work through adapting and fitting the disabled person's work place with adequate technical aids.

203. Occupational rehabilitation is implemented in various ways which are adapted to the disabled person's abilities. Occupational rehabilitation may be carried out through:

- Education in suitable schools and other forms of education;
- Practical work at a suitable workplace with the employer, or other forms of work-based training;
- Training at work.

204. Occupational rehabilitation also includes time of adaptation to work for which the insured person was trained during the rehabilitation process, when necessary, in order to perform other suitable work with normal work strain.

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<sup>142</sup> *Ibid.*

<sup>143</sup> *Ibid.*

205. Successfully completed occupational rehabilitation is a precondition for the disabled person to obtain the right to be transferred to another job, or the right to work on a part-time basis, i.e. at least four hours a day performing other suitable type of work.

206. The obligation of providing occupational rehabilitation to the disabled worker is imposed on the employer with whom the disabled worker was employed at the onset of his disability. If the disabled person at the onset of disability was not in an employment relationship, or was jobless or not insured, he shall be offered the occupational rehabilitation by the Pension and Disability Insurance Institute of Slovenia in cooperation with the Employment Service of Slovenia.

207. The amount of compensation in connection with the right to occupational rehabilitation is assessed, like disability and/or partial compensation, as a percentage of the disability pension to which the insured person would have been entitled at the onset of the disability. Such assessment depends on the type of insurance and the labour status of the person concerned. The assessed compensation amounts regarding occupational rehabilitation are adjusted by the same rate as pensions.

208. Other related rights are as follows:

- The right to adapt the premises and workplaces, at the expense of the Pension and Disability Insurance Institute of Slovenia, providing for occupational rehabilitation and employment of those insured persons who acquired the right to occupational rehabilitation;
- The right to adapt the workplace with appropriate technical aids in order to enable the disabled worker to pursue the same profession or work activity;
- The right to accommodation where, given the distance of the insured person's residence from the school or company for training and employment of persons with disabilities, i.e. the employer's location where the occupational rehabilitation takes place, this necessitates transportation with means of transport, however, where the person concerned, due to his disability, is not able to use the public means of transport and has not been provided special type of transport;
- The right to reimbursement of travel costs if the disabled worker is sent to another location due to occupational rehabilitation; and
- The right to compensation in connection with occupational rehabilitation (compensation for the duration of occupational rehabilitation, temporary compensation).

## **Article 28 – Adequate standard of living and social protection**

209. Ensuring an adequate standard of living and social protection of persons with disabilities are governed by the laws relating to social welfare, pension and disability care, war-disabled persons, and parental and family care. The main legislative framework providing for an adequate standard of living and social protection of persons with disabilities consists of the following legal acts: the Exercise of Rights to Public Funds Act (ZUPJS),<sup>144</sup> the Social Security Act (ZSV), the Social Assistance Benefits Act (ZSVarPre), the Parental Protection and Family Benefits Act (ZSDP),<sup>145</sup> the Pension and Disability

<sup>144</sup> *Uradni list RS*, Nos. 62/10, 40/11, 40/12 – ZUJF, 57/12 – ZPCP-2D, 14/13, 56/13 – ZŠtip-1, and 99/13.

<sup>145</sup> *Uradni list RS*, Nos. 110/06 – official consolidated text, 114/06 – ZUTPG, 10/08, 62/10 – ZUPJS, and 99/13 – ZSVarPre-C.

Insurance Act (ZPIZ-1), the Act Concerning Social Care of Mentally and Physically Handicapped Persons (ZDVDTP), the War Disabled Act (Zvojl), and the Victims of War Violence Act (ZZVN).<sup>146</sup>

### Cash benefits

210. The Social Assistance Benefits Act provides for the right of persons with disabilities to a supplementary allowance to which they are entitled as persons who are permanently unemployable, permanently unable to work, or older than 63 years (women) or 65 years (men), and are entitled to social assistance benefit, or could eventually be entitled to it. The right under this Act started to apply in 2012, while in 2010 this benefit was paid on the basis of the Minimum Pension Support Act (ZvarDod).<sup>147</sup> The supplementary allowance is a minimum pension support (including for disability pensions) paid monthly and providing for the social security of beneficiaries.

211. The ZSVarPre includes, *inter alia*, the right to an increase in social assistance benefit paid as assistance and attendance allowance. A person eligible for financial social assistance who, in order to satisfy his basic living needs, due to age, illness or disability, urgently needs the help of another person and does not receive the care and assistance allowance pursuant to other regulations, is entitled to the financial social assistance increased by the assistance and attendance allowance.

212. The ZPIZ-1 guarantees the right to disability pension. The right is conditional on the existence of the insured person's disability and on certain other conditions specified in the Act. The right guarantees social security even after the loss of capacity for work, i.e. when the insured person is no longer able to carry out the organised gainful employment or activity based on which he was insured.

213. The Act also provides for the right to assistance and care allowance. This is a monthly cash benefit which can be obtained by pension recipients and certain insured persons permanently residing in the Republic of Slovenia. It is aimed at repaying some of the costs incurred by the beneficiary as a result of permanent changes in his health status due to which he urgently needs outside care and assistance for the provision of his basic needs.

214. The said Act also defines disability allowance. This is a monthly cash benefit obtained by an insured person or pension recipient as a result of physical impairment which occurred during the insurance or pension period. Physical impairment is established in the event of the loss, substantial damage to or substantial disablement of individual organs or body parts of an insured person which renders difficult that person's bodily activity and requires greater efforts in meeting vital needs, regardless of whether that impairment has given rise to a disability or not.

215. The ZDVDTP defines the right to compensation for disability allowance and care and attendance allowance. People with disabilities acquire the right to compensation when they reach 18 years of age or upon establishment of their disability where this occurred later. The allowance amounts to 36 per cent of the average monthly net personal income per employee in the Republic of Slovenia in the past year (net salary). A disabled person who, in order to satisfy his basic living needs, urgently needs the permanent help and attendance

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<sup>146</sup> *Uradni list RS*, Nos. 18/03 – official consolidated text, 54/04 – ZDoh-1, 68/05 – Constitutional Court Decision, 61/06 – ZDru-1, 114/06 – ZUTPG, 72/09, and 40/12 – ZUJF.

<sup>147</sup> *Uradni list RS*, Nos. 10/08 and 61/10 – ZSVarPre (the Social Assistance Benefits Act, ZSVarPre, *Uradni list RS*, Nos. 61/10, 40/11, 110/11 – ZDIU12, 40/12 – ZUJF, 14/13, and 99/13).

of another person is entitled to assistance and attendance allowance except when he is the recipient of such allowance pursuant to another regulation.

216. Children with special needs and their parents are provided with certain specific rights under the ZSDP. Maintaining an adequate standard of living for and the social security of these families is guaranteed by two important rights, namely to child care allowance for children in need of special care and protection and partial payment for loss of earnings. The first is a cash benefit for a child in need of special care intended to cover the higher costs of living for the family due to the care and protection of the child. The right to child care allowance is granted to one of the parents or to another person (if the child has permanent residence in the Republic of Slovenia). The second is a personal benefit paid to one of the parents who has interrupted his or her employment or started to work part-time in order to care for a child with a severe disturbance in mental development or severe movement disability.

217. The rights of war-disabled persons and other victims of war are regulated by the Zvojl and ZZVN. The first of these defines the right to:

- Disability benefit (monthly amount per beneficiary by disability category);
- Allowance for special disability (right of war-disabled persons who have been recognised as having a war disability as a result of amputation of limbs, or severe damage to their function or complete loss of vision in both eyes as direct consequences of the suffered injury or illness);
- Assistance and attendance allowance (the right to this allowance is recognised for the war-disabled with at least degree of disability V, requiring permanent support and attendance for the provision of basic needs or permanent attendance for blind and/or bedridden persons);
- Disability allowance (the right of a beneficiary in the event that the share of receipts per family member does not reach the level for determining entitlement to disability benefits and their amount);
- Allowance for single parents if the beneficiary receiving disability allowance makes his living alone;
- Family disability allowance, which, under specific conditions, is received by family members of fallen combatants and the war-disabled by group categories I to VII, after their death;
- Family benefit, granted under special conditions to beneficiaries of family disability allowance.

218. The latter Act provides for the right to a monthly life annuity, which represents a form of partial material satisfaction for victims of war.

Table 7

**Average monthly number of particular cash benefit recipients, 2010-2012**

<i>Type of cash benefit</i>	<i>Average monthly number of recipients</i>		
	<i>2010</i>	<i>2011</i>	<i>2012</i>
Increase in cash social assistance for assistance and attendance allowance	290	286	267
Disability pension	91,051	90,219	89,384
Attendance allowance	30,497	30,731	30,069

Type of cash benefit	Average monthly number of recipients			
	2010	2011	2012	
Disability allowance	56,297	56,493	56,241	
Partial wage compensation	49,902	48,576	48,484	
Compensation for disability	Compensation:	5,573	5,562	5,563
	Difference:	478	529	545
Care and attendance allowance	4,322	3,893	3,933	
Allowance for a child in need of special care and protection	5,992	5,961	6,040	
Partial payment for loss of earnings	577	631	667	
Disability allowance (under the ZVI)	3,634	3,253	2,939	
Special disability allowance	631	561	512	
Assistance and attendance allowance (under the ZVI)	261	245	202	
Disability allowance	631	633	507	
Single parent allowance	28	55	51	
Family disability allowance	1,744	1,511	1,348	
Family allowance	686	624	535	
Monthly life annuity	53	55	53	

Sources: Smolej, S., Marčič, R., Boljka, U., Kobal Tomc, B. and Nagode, M. (2011): *Survey on the Rights of Persons with Disabilities Provided by the state and their Implementation*. Ljubljana: Social Protection Institute of the RS; ZPIZ (2012). Annual report 2011. Ljubljana: ZPIZ; ZPIZ (2013). Annual report 2012. Ljubljana: ZPIZ.

219. Due to additional financial costs associated with disability, people with disabilities are entitled to certain tax reliefs and exemptions. These entitlements include the following: reliefs and exemptions from personal income tax (tax relief for disabled persons who carry out an activity, relief for employment of people with disabilities, exemption from income tax for certain social security benefits, special relief for disabled persons with 100 per cent physical impairment and work disability, increased special tax relief for dependent children in need of special care and protection), corporate income tax (relief for employment of people with disabilities), value added tax (VAT at lower rate for medical equipment, instruments and other means intended to alleviate or treat medical problems or disability, medicines and products for hygienic protection and exemption from VAT for disability organisations' services performed for their own members in return for membership fee; disability organisations supplies in connection with fund-raising events organised by these organisations on occasional basis and exclusively for their own benefit; social services provided by disability organisations; health care and emergency ambulance transfers), tax on motor vehicles (certain exemptions for vehicles purchased for the transportation of persons with disabilities), tax enforcement (exemption of income from occasional work of persons with disabilities who are not employed and are included in certain social welfare and employment programmes, compensation for disability under the law governing social protection of mentally and physically handicapped persons and compensation for physical injuries), administrative fees (certain exemptions), annual tax for the use of vehicles in road traffic (certain exemptions for vehicles purchased for the transportation of persons with disabilities), and real property tax (relief for people with disabilities moving with the help of a wheelchair).

220. In addition, persons with disabilities are entitled to certain exemptions regarding payment for services, such as exemption from payment of the radio and TV licence fee, exemption from paying tourist tax, the right to discounted or free tickets in public passenger

transport (this right expired on 10 December 2010), exemption from payment for routing of postal items for the blind persons, and exemption from payment of social assistance services.

221. The rights of persons with disabilities in the area of social security programmes and services are described under Article 19 – Independent living and inclusion in the community.

## **Article 29 – Participation in political and public life**

222. Accessibility is not only relevant in terms of social inclusion, but also represents a precondition for full exercise of political and civil rights. Without an accessible and functionally built environment and access to information, it is difficult or even impossible to exercise political rights, for example the right to vote and the right to participate in the management of public affairs (Articles 43 and 44 of the Constitution).

223. The Act Amending the National Assembly Elections Act<sup>148</sup> provides that the district electoral commission shall designate at least one polling station accessible to the disabled (Article 79 a). Voters who wish to cast their votes at this polling station shall inform the district electoral commission of their intention to vote at least three days prior to the election day. At this polling station, the electoral commission may facilitate voting by way of specifically adapted ballot papers and voting machines.

224. The third objective of the Action Programme for Persons with Disabilities, “ensuring that persons with disabilities have access to facilities, transport, information and communications”, contains relevant measures relating to the participation of people with disabilities in political and public life. These measures require:

- Adaptation of materials relating to decision-making at national and local levels in an easy-to-read format (for example materials for elections and materials that are relevant for people with mental development disorder);
- The use of the Slovenian sign language for the deaf and hard-of-hearing, and reading of subtitles and descriptions of what is shown on screen for the blind, at least for daily informative, scientific and other educational television programmes;
- Equal access to information and public administration services on the World Wide Web for all citizens.

225. Persons with disabilities and their legal representatives voluntarily and independently unite in interest-based associations as a form of disabled people’s organisation to establish, defend and satisfy the special needs of persons with disabilities and representation of their interests. The status, scope of activity, financing and property of disabled people’s organisations are governed by the Disabled Persons’ Organisations Act (ZinvO). Article 4 of this Act lays down the obligation of consulting with the disabled people’s organisations, i.e. that these organisations shall participate in creating the national policies and measures relating to equal opportunities and equal treatment of persons with disabilities, and that in all these matters the national authorities are to consult the disabled people’s organisations. The Act also identifies the role of representative disability organisations.

226. Representative disabled persons’ organisations shall:

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<sup>148</sup> *Uradni list RS*, No. 78/06.

- Represent disabled persons and their interests in dialogue with authorities at the national and international levels;
- Propose, in accordance with regulations, representatives of disabled persons for working bodies in national and other authorities dealing with disabled persons' issues;
- Propose or appoint representatives of disabled persons for authorities of international organisations and associations of the same kind;
- Integrate and harmonise their interests with those of other disabled persons' organisations.

227. The state authorities and other public institutions are obliged to offer the opportunity to present the interests and opinions of disabled persons also to those disabled persons' organisations that do not have the status of relevant representative organisation (ZInvO, Article 18).

### **Article 30 – Participation in cultural life, recreation, leisure and sport**

228. Most of the measures relating to the exercise of the cultural rights of persons with disabilities arise from the strategic documents which the Republic of Slovenia has adopted in this area.

229. In the Resolution on the National Programme for Culture 2008-2011,<sup>149</sup> the State undertakes to, as soon as possible, facilitate access for persons with disabilities to all cultural institutions and cultural programmes and projects. The Resolution provides that, to this end, a more systematic and proactive awareness of the needs of persons with disabilities will have to be raised with the employees in these institutions. Special needs of persons with disabilities should also be taken into account in all amendments to legislation and implementing regulations in the area of culture. All improvements regarding the accessibility of cultural institutions and content for this population group also benefit the elderly, which is not negligible bearing in mind the ageing population of Slovenia. For this reason, cultural producers, each in their respective areas, should draw up a strategy of accessibility to their cultural offer.

230. The measures contained in the above-mentioned strategic document are aimed at:

- The provision of better availability of texts and other materials in forms adjusted to persons with disabilities;
- Providing access to literary events and premises related to books and adequate technically adjusted book content for disabled persons;
- Providing library services for disabled persons in the public library system in techniques adjusted to their needs;
- Providing disabled persons with access to performance premises and technical possibilities for facilitating as close as possible contact with fine arts, music and theatrical arts;
- The provision of better access to premises of inter-media art and audiovisual material also in forms adjusted to disabled persons;

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<sup>149</sup> *Uradni list RS*, Nos. 35/08, 95/10.

- Facilitating access to the country's heritage and to information thereon to all, primarily to young, elderly and disabled persons, and providing the best possible availability of museum and other heritage material and archives for disabled persons in forms adjusted to them;
- Providing disabled persons with best possible access to archives in forms adjusted to them;
- The provision of equal opportunities for participation in cultural life to persons with disabilities and other members of vulnerable groups;
- The incorporation of minority communities (cultural groups within associations of disabled or retired persons and cultural groups of minority communities in Slovenia) into organisational scheme of amateur activities, since those groups also need organisational and expert assistance;
- Providing disabled persons with equal opportunities in their participation in cultural life;
- Efforts by the national television company in its transition to digital technology to pay particular attention to the purchase of technical components which increase the availability of their programmes to disabled persons.

231. In the Resolution on the National Programme for Language Policy 2007-2011,<sup>150</sup> the State undertakes to:

- Foster further development and standardisation of the Slovenian sign language for deaf persons;
- Popularise and promote lessons on the Slovenian sign language (between family members, friends and acquaintances) and organise training of sign language interpreters/translators; and
- Increase the diversity of programme contents available to blind, partially sighted, deaf and hard-of-hearing persons.

232. Standards for public libraries<sup>151</sup> (2005-2015), adopted in 2005, explicitly stipulate in the chapter "Premises for users" that "rooms in the building must be functionally linked with short, transparent communications and with minimal barriers and be comfortable and safe for the employees and visitors and accessible to persons with disabilities".

233. Cultural projects of persons with disabilities are funded by the Ministry of Culture through public tenders or otherwise. Among the major calls for applications in the period 2008-2010, the Ministry of Culture, through the Department for Cultural Diversity and Human Rights, carried out a public tender for the selection of cultural projects intended for disseminating programmes for persons with sensory disabilities in adapted techniques and to develop technical infrastructure for persons with sensory impairments. In 2008, in the framework of this call for applications, which was intended for co-financing cultural projects for sensory impaired persons, especially the blind, visually impaired, deaf, hard-of-hearing and people with head injuries, 8 projects were co-financed in a total value amounting to €178,113.00; in 2009, the total value for 8 projects was €182,566.00 and in 2010 the total value for 8 cultural projects was €182,566.00.

<sup>150</sup> *Uradni list RS*, No. 43/07.

<sup>151</sup> Available at: [http://www.mk.gov.si/fileadmin/mk.gov.si/pageuploads/Ministrstvo/Podrocja/NSKD/standardi\\_spl\\_k\\_sprejeti.pdf](http://www.mk.gov.si/fileadmin/mk.gov.si/pageuploads/Ministrstvo/Podrocja/NSKD/standardi_spl_k_sprejeti.pdf) (15 March 2012).

234. In 2010, the Ministry of Culture, in an example of good practice, co-financed the international (European) cultural project of the Mavrica Cultural and Educational Society of the Deaf from Murska Sobota (amounting to €6,000.00) within the “6th European Festival of Arts and Culture of the Deaf – SALVIA 2010”, held from 2 to 9 October in Ljubljana. The SALVIA Festival is a European festival of theatre groups of deaf and hard-of-hearing artists which since 1997 has taken place every two years, each time in a different European country.

235. The Slovenian Language Service carried out a public tender for co-financing projects aimed at presenting, promoting and developing the Slovenian language; in 2010, this resulted in co-financing the publication of the *Manual for Teaching Slovenian Sign Language*, Parts I and II, and a multimedia teaching aid for teaching and learning Slovenian sign language. In the same period, the Ministry of Culture co-financed the specialised library of the Association of the Blind and Partially Sighted of Slovenia, which provides for the needs of blind and partially sighted persons regarding their access to cultural materials. The library keeps more than 6,000 items adapted to the needs of blind and partially sighted persons.

236. In 2008 to 2010, the Department for Cultural Diversity and Human Rights conducted a two-year public tender for the selection of development projects to improve the employability of vulnerable groups in the field of culture and support their social inclusion, within which, in 2008, six cultural projects by the disabled were co-financed in the total amount of €540,230.03; in 2009, co-financing of 6 similar cultural projects amounted to €519,920.48 and in 2010 the total amount of co-financing for seven cultural projects was €616,114.67.

237. An important role in including people with disabilities in cultural activities and in providing access to cultural goods has been played by the Public Fund for Cultural Activities, which through public tenders and calls co-finances cultural projects, the renovation of premises and the purchase of equipment for people with disabilities.

238. The field of sports for people with disabilities falls under the jurisdiction of the Ministry of Education and Sport, which co-finances the activities and preparation of athletes with disabilities within the Sports Federation for the Disabled of Slovenia – Paralympic Committee (ZŠIS-POK). It also funds the awards paid to top athletes with disabilities for medals won at the Paralympic Games and World Championships following relevant categorisation of these athletes. The MŠŠ supports the efforts of the Sports Federation for the Disabled of Slovenia for more attention to be paid to the programmes of sports and recreational activities for persons with disabilities. Co-financing these programmes is implemented through other sectors, since the Sports Federation’s applications with the MŠŠ mainly relate to competitive sports.

239. The ZŠIS-POK is a key organisation in the field of sports activities at the national level and in all matters relating to the selection, preparation and performance of the top Slovenian athletes with disabilities in official international competitions such as the European and World Championships and Paralympic Games. It therefore carries out or facilitates the organisation of about 30 national championships and up to 20 sport-related programmes for Slovenian athletes with disabilities in international championships. National championships annually include participation by more than 1,100 athletes, while international championships are annually attended by about 130 national team representatives.

240. In the field of sports for people with disabilities, further steps should be taken to facilitate:

- Access to sports equipment in gyms and fitness studios;

- Availability of sports facilities (halls, stadiums, ski resorts, bowling alleys, swimming pools and so on) for persons with physical and sensory impairments;
- Access to specific places at facilities (seats in stands, dressing rooms, etc.);
- Adapted toilet facilities and wheelchair access;
- Adapted showers and changing rooms accessible to wheelchair users;
- Sheltered parking spaces (at least two per sports facility);
- Toilets for the disabled at sporting events for disabled visitors.

### **III. The special situation of boys, girls and women with disabilities**

#### **Article 6 – Women with disabilities**

241. The rights of persons with disabilities to equal opportunities, equal treatment and equal participation in community life, the right to freely choose, and similar are defined in a number of documents at international and national levels. Laws and regulations require the elimination of any discrimination; they impose the need to eliminate various obstacles and constraints in the environment and the need for support to provide for the independent living of persons with disabilities and their equal participation in society.

242. Prohibition and prevention of discrimination based on disability and gender is contained in the provisions of the Constitution, the ZUNEO, the ZDR-1, the ZZRZI, the Family Violence Prevention Act<sup>152</sup> and the ZIMI, the last representing the basic legal act on the prevention of discrimination against persons with disabilities in Slovenia.

243. Slovenia has ratified the majority of relevant documents in the field of human rights, some of which include areas relating to the protection of the rights of persons with disabilities, such as the European Convention for the Protection of Human Rights and Fundamental Freedoms,<sup>153</sup> the European Social Charter<sup>154</sup> and the UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities.

244. Since 1991, a number of regulations have been adopted in the fields of education, health, employment, elimination of barriers in the environment and provision of financial assistance; many solutions relevant to the lives of people with disabilities have been incorporated into various national and development programmes by respective areas. One of key documents in the field of equal opportunities is the API.

#### **Article 7 – Children with disabilities**

245. The Republic of Slovenia has no specific legislation to exclusively govern the issue of children with disabilities, given that Slovenia has committed itself to respecting the prohibition of discrimination on the grounds of disability and sex in all areas of human life. Due to their significance, the rights of children and young people under eighteen years of age, in addition to the documents relating to human rights (the Universal Declaration of Human Rights and the Constitution of the Republic of Slovenia), have been given particular

<sup>152</sup> *Uradni list RS*, No. 16/08.

<sup>153</sup> *Uradni list RS*, No. 7-41/94.

<sup>154</sup> *Uradni list RS*, No. 24/99.

emphasis. They are defined in more detail in the Convention on the Rights of the Child, signed by the Republic of Slovenia.

246. The Republic of Slovenia is a party to the Convention on the Rights of the Child, based on its succession (the Act Notifying Succession to UN Conventions and the Conventions Adopted by the International Atomic Energy Agency<sup>155</sup>). Slovenian Government policy is based on the fundamental principles set out in the Convention on the Rights of the Child; its aim is providing for the principle that no child should be discriminated against on the basis of race, colour, national, ethnic or social origin, gender, religion, disability, or any other similar reason. The Constitution from 1991 (adopted on 23 December 1991) contains a special section on human rights and fundamental freedoms (Articles 14 to 65) defining the rights of the child. Article 14 of the Constitution stipulates that everyone shall be guaranteed equal human rights and fundamental freedoms, irrespective of national origin, race, gender, language, religion, political or other conviction, material standing, birth, education, social status, disability, or any other personal circumstance. Article 56 provides that children shall enjoy human rights and fundamental freedoms in accordance with their age and maturity. Article 52 of the Constitution stipulates that children with special needs shall have the right to education and training for an active life in society. This education and training shall be financed from public funds.

247. In the Republic of Slovenia, children with disabilities are guaranteed enjoyment of all human rights and fundamental freedoms, including enjoyment of children's rights such as contacts with their parents, child maintenance, child benefits and management of a child's property, foster care, custody and institutional care, children with special needs, children belonging to minorities and vulnerable groups, etc. Proper implementation of these rights requires assistance given by the Deputy Ombudsman: children may seek help with the Ombudsman or his staff if they feel that any of the rights enshrined in the Convention on the Rights of the Child, the Constitution, laws or other acts have been violated.

248. In Slovenia, children are legally allowed to be heard only in civil proceedings (for example in connection with custodianship and rights to official visits) and not in other legal proceedings or decision-making processes, including the operation of social work centres. Pursuant to the Act Amending the Civil Procedure Act (ZPP-D),<sup>156</sup> children under ten years of age who are capable of understanding the meaning of the proceedings and the consequences of the decision in question have the possibility to express their views either alone or through a person of their choice whom they trust. Most often, these are their parents, since Slovenia does not have an independent institute of child advocacy. In order to strengthen the child's opinion through a counsel, if necessary (i.e. where parents cannot or are not capable of providing appropriate advocacy), the Human Rights Ombudsman, in cooperation with governmental and non-governmental organisations and the representative of children and young people, has set up a working group to carry out a pilot project. The aims of this project were, *inter alia*, to ensure effective implementation of children's rights in all proceedings and activities affecting them and to ensure the implementation and consideration of the child's best interests in these proceedings.<sup>157</sup>

249. In Slovenia, children and adolescents have the opportunity to participate in public affairs through membership of the Children's Parliament, which is under the auspices of the Friends of Youth Association of Slovenia. The purpose of the Children's Parliament is to

<sup>155</sup> *Uradni list RS*, Nos. 9/92, 9/93, 5/99, 9/08, 13/11, 9/13.

<sup>156</sup> *Uradni list RS*, No. 45/08.

<sup>157</sup> Jenkole, M. (2009). "The child advocate – Voice of the child", International Conference on Children's Rights and Protection against Violence. Ljubljana, National Assembly of the RS, 6 and 7 October 2009.

educate children about the democratic processes and to create conditions for the participation of young people. The programme is implemented in most primary schools in the country and in municipality premises and is concluded in the National Assembly; it is implemented at several levels – in school classes and at municipal, inter-municipal, regional and national levels.

250. Another important programme for promoting participation and involvement of children and young people in democratic decision-making processes is the Programme for Children and Youth 2006-2016,<sup>158</sup> which is aimed at improving the living conditions of children and adolescents. In 2009, the Action Plan for the Implementation of the Programme for Children and Youth in Slovenia 2009-2010<sup>159</sup> was adopted. It is intended for children with special needs and is based on the view that families with children and young people with special needs should be provided with a higher degree of professional mobile individual assistance at home. Their special needs should also be taken into account in granting a higher degree of financial and service-related assistance based on the specific situation of children with special needs and their families. Based on the relevant programme, social work centres are to pay special attention to more effective information and education processes for children with special needs. In the context of the objective of reducing poverty and social exclusion, the state must also take into account the specific situation of families with special needs. Children with special needs should be provided with systemic treatment relating to such children, equal opportunities for education, and enhanced access to education and leisure activities.

251. In addition, the Resolution on the National Programme for the Prevention of Family Violence 2009-2014 devotes particular attention to children, especially children with disabilities as a group particularly vulnerable to this type of behaviour.

252. Based on the provisions from the aforesaid programmes, children and adolescents in Slovenia are provided with appropriate healthcare in health institutions, including special healthcare. Thus in the context of basic healthcare services, family education before the child's birth is organised, as are preventive healthcare for infants in the first year of life and health check-ups for children at a certain age. When a paediatrician detects abnormalities in a child's development, he shall refer the child for team treatment within child development network of clinics or for specialised treatment, depending on the child's problem. The Republic of Slovenia has organised a network of specialist clinics for development disorders. Their purpose is monitoring the development of children with perinatal risk factors; they offer early treatment and follow-up assistance and rehabilitation to children with development disorders and their families. The purpose of additional treatment is systematic monitoring and comprehensive treatment of a child, personalised healthcare work, and maintaining close cooperation with the family, educational institutions and associations. This is also a prerequisite for achieving a common goal, which is to train the child as much as possible for living and working in the community in which he lives. Appropriate and quality treatment of the youngest children with special needs calls for cooperation and coordination of various sectors: education, health and social care.

253. In pre-school education and indeed education at all levels, children with special needs are guaranteed the rights defined in Article 24 of this report.

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<sup>158</sup> Source: MDDSZ, available at: [http://www.mdsz.gov.si/fileadmin/mdsz.gov.si/pageuploads/dokumenti\\_\\_pdf/pom2006\\_2016\\_splet\\_241006.pdf](http://www.mdsz.gov.si/fileadmin/mdsz.gov.si/pageuploads/dokumenti__pdf/pom2006_2016_splet_241006.pdf) (15 March 2012).

<sup>159</sup> Source: MDDSZ, available at: [http://www.mdsz.gov.si/fileadmin/mdsz.gov.si/pageuploads/dokumenti\\_\\_pdf/10122009\\_akcijski-nact-otroci-mladina.pdf](http://www.mdsz.gov.si/fileadmin/mdsz.gov.si/pageuploads/dokumenti__pdf/10122009_akcijski-nact-otroci-mladina.pdf) (15 March 2012).

## IV. Special obligations

### Article 31 – Statistics and data collection

254. The institution responsible for national statistics is SURS (the Statistical Office of the Republic of Slovenia), which operates on the basis of the Act Amending the National Statistics Act (ZDSta-A).<sup>160</sup> SURS is the main provider and co-ordinator of activities in the field of national statistics. Its mission is to provide the authorities and organisations of public administration, the economic sector and the general public with quality, timely and locally and internationally comparable data on the situation and trends in economic, demographic, social, environmental and natural resources areas.<sup>161</sup>

255. Data on disability issues are mostly collected and published within the demographic and social areas, i.e. social protection, the labour market, education, etc. SURS is not direct provider of objectives and/or specific measures set by the API 2007-2013 and the Convention on Rights of Persons with Disabilities, however, it enables various providers of activities in above mentioned areas to have the necessary information and data available for their work.

256. In the field of systematic collection of data on the health status and needs of people with disabilities and children with special needs, special mention should be made of the Institute of Public Health of the Republic of Slovenia (IVZ). The IVZ has been involved in the implementation of the above-mentioned tasks through its regular activities in the field of health statistics, which, in addition to collecting and analysing available data on health and healthcare, also include continuous work on fundamental methodological issues and health statistics entities, with an emphasis on methodology comparability in the EU context. The IVZ is active in inter-ministerial groups and participates in international projects aimed at improving the situation of persons with long-term health problems and reduced capabilities – i.e. disability.

257. The national statistical surveys in the field of pension and disability insurance are carried out by the Pension and Disability Insurance Institute of Slovenia (ZPIZ).

258. At the initiative of disability organisations, the MDDSZ commissioned research by the Social Protection Institute on the rights of persons with disabilities provided by the state. The report was completed in 2011. It refers to 2010 and provides an inventory of social transfers and other rights of persons with disabilities in nine areas, their financial evaluation and an assessment of the adequacy of the state care for specific groups of people with disabilities. The inventory provides an insight into the basic data on the rights of persons with disabilities, but it cannot be used as a basis for accurate determination of the rights an individual may be entitled to in each concrete situation. Researchers have found that an accurate figure on the total amount of funding earmarked by the state to persons with disabilities and the exercise of their rights cannot be established. Most social transfers and rights for people with disabilities are such that they apply to both people with disabilities and other persons, i.e. in addition to people with disabilities, these rights can also be exercised by other persons. These are rights, in other words, for which data are not kept specifically for people with disabilities. From the total amount of funding for a specific right, it is thus not possible to identify the amount intended solely for people with disabilities, let alone by particular type of impairment. The only things that can be established from the data collected for each particular area of rights are the number of

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<sup>160</sup> *Uradni list RS*, Nos. 45/95 and 9/01.

<sup>161</sup> SURS Available at: [http://www.stat.si/drz\\_stat.asp](http://www.stat.si/drz_stat.asp) (15 March 2012).

budget items from which the rights are funded and an indicative level of funding used for the exercise of the rights intended solely for people with disabilities. Therefore an estimation as to which group of persons with disabilities is allocated the largest amount of funds by the state and which the smallest seems hardly possible.

259. In order to ensure better transparency of funding of the rights of persons with disabilities, it will therefore be necessary in the future to accurately specify relevant databases to be kept by responsible departments and service/programme providers.<sup>162</sup>

### **Article 32 – International cooperation**

260. Given its size and population, Slovenia's international co-financing activities, as well, depend on the size of its GDP. No budgetary funds have been envisaged in advance for the needs of international cooperation in the field of disability policy. Funds actually depend on the choice of projects and are distributed by sectors. At the end of 2009, for example, the Council of Europe and the Ministry of Labour contributed funds for the organisation of the International Conference "Ageing with Disability". The state co-finances a number of smaller projects (2 to 3 per year) in South-Eastern Europe, for example with the aim of assisting training of persons with special needs and their rehabilitation, ICT. With European Social Fund support, the Republic of Slovenia as a recipient of funds also co-finances the programmes of active employment policy of persons with disability.

### **Article 33 – National implementation and monitoring**

261. The Convention lays down that States Parties shall, in accordance with their legal and administrative systems, maintain, strengthen, designate or establish a framework, including one or more independent mechanisms, to promote, protect and monitor implementation of the present Convention. When designating or establishing such a mechanism, States Parties shall take into account the principles relating to the status and functioning of national institutions for the protection and promotion of human rights.

262. Within the Government, pursuant to the Act Ratifying the UNCRPD and the Protocol and to the Slovenian disability policy system, the Ministry of Labour has been designated as a central contact mechanism for matters concerning implementation of the Convention.

263. The ZIMI (Article 28) regulates the composition, tasks and financing of the Council of the Government of the Republic of Slovenia for Persons with Disabilities, which was established as "an independent tripartite body whose members are representatives of relevant disability organisations, representatives of professional institutions in the field of disability insurance and representatives of the Government" (Paragraph 1). One of the Council's tasks is "to promote and monitor the implementation of the Act Ratifying the Convention on the Rights of Persons with Disabilities and the Optional Protocol to the Convention on the Rights of Persons with Disabilities" (Paragraph 5). Funds for the work of the Council shall be provided from the budget of the Republic of Slovenia (Paragraph 7). The aforesaid Council has therefore been designated by the Republic of Slovenia as the independent mechanism referred to in Paragraph 2 of Article 33 of the Convention.

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<sup>162</sup> Smolej, S., Marčič, R., Boljka, U., Kobal Tomc, B. and Nagode, M. (2011). *Survey on the Rights of Persons with Disabilities Provided by the State and their Implementation*. Ljubljana: IRSSV.

